

Chapter 6 BUILDING CODES AND REGULATIONS*

*Cross reference(s)--Director of public works, 2-171 et seq.; director of community development, § 2-191 et seq.; electrical inspector, § 2-194; plumbing inspector, § 2-195; environmental committees, § 2-306 et seq.; director of environmental health, § 2-326 et seq.; board of health, § 2-341 et. seq.; plan commission, § 2-421 et seq.; board of zoning appeals, § 2-431 et seq.; fire protection and prevention, Ch. 7; garbage and refuse, Ch. 8; health and sanitation, Ch. 9; existing structures' maintenance and occupancy Ch. 10; streets and sidewalks, Ch. 16; water and sewer services, Ch. 19; zoning ordinances, App. A; subdivision regulations, App. B.

Editor's Note: Ordinance No.0-9-99 replaced Art. I through V of Chapter 6, Building Codes and Regulations. This ordinance was passed on February 22, 1999 with an effective date of 5/1/99.

Editor's Note: Ordinance No. 0-2-00, passed on January 3, 2000, created a new Article IV Architectural Design Guidelines

Editor's Note: Ordinance 0-84-02, replaced Chapter 6 in it's entirety. This Ordinance was passed on May 28, 2002 with an effective date of July 1, 2002.

Editor's Note: Ordinance 0-250-05, passed on December 19, 2005, effective January 1, 2006, deleted Secs. 6-1.5 through 6-1.7 in their entirety, and replaced with a new Sec. 6-1.5)

Editor's Note: Ordinance 0-58-06, passed on March 20, 2006, effective June 1, 2006, replaced Article I in its entirety.

- Art. I. Building Codes and Amendments, §§ 6-1.1--6-15**
- Art. II. Reserved**
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ARTICLE I. BUILDING CODES AND AMENDMENTS

Sec. 6-1.1 Minimum standards.

- (a) The following list of codes and Palatine amendments are hereby adopted by reference:
- (1) International Residential Code, 2015 Edition (with amendments).
 - (a) Appendix A, Sizing and Capacities of Gas Piping
 - (b) Appendix B, Sizing of Venting Systems Serving Appliances Equipped with draft Hoods
 - (c) Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems,
 - (d) Appendix E, Manufactured Housing used as Dwellings
 - (e) Appendix F, Passive Radon Gas Control Methods
 - (f) Appendix H, Patio Covers
 - (g) Appendix J, Existing Buildings and Structures
 - (h) Appendix K, Sound Transmission
 - (i) Appendix M, Home Day Care R-3 Occupancy
 - (2) International Building Code, 2015 Edition (with amendments).
 - (a) Appendix I, Patio covers
 - (3) International Mechanical Code, 2015 Edition (with amendments).
 - (4) International Fuel Gas Code, 2015 Edition.
 - (5) Illinois Title 71: Part 600, Illinois Energy Conservation Code, 2021 International Energy Conservation Code with Illinois Amendments
(Ord. No. 0-29-13, §1, 4/8/13; Ord. No. 0-21-15, §1, 3/16/15)
 - (6) National Electrical Code, 2017 Edition (with amendments).
 - (7) Illinois Plumbing Code, Latest Edition.
 - (8) Illinois Accessibility Code, Latest Edition.
 - (9) International Existing Building Code, 2015 Edition
 - (10) International Swimming Pool and Spa Code, 2015 Edition

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11; Ord. O-93-18, 08/13/18 eff. 01/01/19;
Ord. O-72-19, 08/12/19)

Sec. 6-1.2 Discretionary powers.

- (a) Wherever in this article and the codes adopted by this article reference is made to the building director or the building official, they shall mean the Director of Community Services. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-1.3. Building Director

(a) *Qualifications.* To be eligible for appointment by the village manager to the office of building director, the qualifications of an applicant shall include an understanding of the quality and strength of building materials and prevailing methods of construction for safety, comfort and convenience.

Sec. 6-1.4. Permits and Administration

(a) *Survey.* After the foundation of a new building or any addition to an existing building has been completed, the applicant shall furnish a survey prepared by a registered Illinois surveyor showing the dimensional location of such foundation and including the following required information:

- (1) Accurate dimensions of front yard, side yards and rear yard setbacks;
- (2) United States Geographical Survey (USGS) elevations of top of foundation at all corners and top of curb or crown of street.

The above required information may be shown upon a recertification of the plat filed at the time the building permit was secured. No further work is to proceed until the plat (spotted plat) is filed and approved. Such plats must be filed within ten (10) business days from the date of the foundation inspection.

When required, a final topographical survey shall be furnished by the applicant after the final grading is completed. No final grade inspection shall be conducted until this survey is reviewed and approved. The final topographical survey shall indicate the finished grade elevations at the identical points shown on the approved grading plan. (Ord. #0-204-07, §1, 12/10/07, effective 1/1/08)

All required surveys shall be prepared, signed and sealed by a surveyor in good standing licensed by the State of Illinois.

Sec. 6-1.4.1. Section R105.1 of the 2015 International Residential code and section 105.1 of the 2015 International Building code shall be amended to add the following:

(a) No permit shall be issued for the erection of any building or structure which is not completely in conformity with the applicable provisions of the Village of Palatine Code of Ordinances.

(b) No permit shall be issued hereunder for any premises unless the sanitary sewer mains and water mains of the village shall have been extended within right of ways or easements to the furthest property line of the premises if readily accessible within 250 feet from the property line or unless a temporary permit shall have been issued pursuant to authorization by the corporate authorities of the village for the installation on the premises of facilities other than modern plumbing facilities properly connected with the water distribution and sanitary sewer systems of the village, and unless there shall have been installed or unless provision is made in the plans and specifications for the installation on the premises of facilities for provision of potable water and the disposal of human waste and excreta and other similar sewage in accordance with the ordinance of the village. (Ord. No. 0-30-10 §1, 4/5/10)

(c) No building permit shall be issued hereunder for the erection of a building for residential purposes on any tract or parcel of real estate unless the condition or all of the conditions, as the case may be, mentioned or enumerated in one of the following exist:

1. Water and sanitary sewer facilities, which are in good working order and available for the satisfactory servicing of the premises, shall have been extended to the farthest property line of the premises. Also, some street upon which the premises borders shall have been satisfactorily improved with a paved roadway surface which extends in such condition from the premises to an Illinois State highway or to another street or streets extending in such condition to such a highway. Also, adequate storm sewer facilities shall have been installed in the vicinity of the premises to prevent the flooding of the premises by surface waters;

2. The building is to be constructed on a lot or parcel of real estate bordering upon a section of a street over which travel extends for ingress and egress purposes between a residence already erected at the time of the enactment of this condition and an existing improved public street or highway; or

3. Provision is made under contract entered into with the village by some person, persons, co-partnership, trust or corporation for the installation of water and sanitary sewer facilities, surface drainage facilities and street improvements, such as are provided for in subsection (c) 1. above, in the block upon which such lot or parcel of real estate is located, supported by a performance and indemnity bond or bonds in favor of the village and duly filed with the village in such amount or amounts and with such company or companies as may be approved by the corporate authorities and in conformance with section 9.02 and 9.03 of the Village Subdivision Code; Site Development and Floodplain Regulations Code; provided, however, that no occupancy permit shall be issued for any building for which a building permit shall have been issued pursuant to this subsection c. until all of the improvements provided for by the aforesaid contract shall have been fully installed and duly approved and accepted by the corporate authorities and each building permit issued pursuant to this subsection c. shall so recite.

(d) No permit shall be issued for the erection of any commercial or industrial building or structure until a crime prevention analysis has been performed upon the plans of such building or structure.

Sec. 6-1.4.2 Section R105.1 of the 2015 International Residential code and section 105.1 of the 2015 International Building code shall be amended as follows:

Add the following at the end of the section:

Any of the work previously described in this section which has been started or completed without a permit and for which notice has been given to the owner of the property involved, or to the owner's agent or to the person doing the work shall make application for the required permit within 10 business days of such notice. (Ord. No. 0-30-10, §1, 4/5/10; Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-1.4.3 Section R105.5 of the 2015 International Residential code and section 105.5 of the 2015 International Building code shall be amended as follows:

Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, O-93-18; 8/13/18 eff. 01/01/19)

Replace the reference to 180 days with 90 days.

Add the following sections:

(a). *Expiration.* An issued building permit under which the work is not completed within one (1) year from the date of issuance shall expire by statute of limitation, and all permit fees shall be forfeited to the village, unless the owner or his duly appointed representative requests an extension in writing thirty (30) calendar days before the above-described expiration dates. (Ord. #0-204-07, §2, 12/10/07, effective 1/1/08)

(1) *Express Permit Expiration:* An express permit under which the work is not completed within three (3) months from the date of issuance shall expire by statute of limitation, and all permit fees shall be forfeited to the village, unless the owner or his duly appointed representative request an extension in writing thirty (30) calendar days before the above-described expiration dates. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(2) *Demolition Permit:* All demolition permits for which the work is not completed within three (3) months from the date of issuance shall expire by statute of limitation, and all permit fees shall be forfeited to the village, unless the owner or his duly appointed representative request an extension in writing thirty (30) calendar days before the above-described expiration dates. (Ord. #0-204-07, §3, 12/10/07, effective 1/1/08)

(Ord. No. 0-30-10, §1, 4/5/10; (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(b) *Removal of Above Ground Improvements / Restoration of Site.* Within thirty (30) days after the expiration of a permit pursuant to the provisions of Subsections (a) and (a-1) above, the owner or applicant shall cause any above ground improvements, constructed pursuant to the permit, to be removed and the site restored to either its original condition or a condition acceptable to the building official.

(c) *Approved Permits:* Approved permits will be held for thirty (30) days after the notice of approval has been made to the applicant. Failure to pay for the approved permit within thirty (30) days of such notice will result in a forfeiture of said permit. All fees incurred by the Village up to that date will be charged to the applicant. (Ord. #0-204-07, §3, 12/10/07, effective 1/1/08)

Sec. 6-1.4.4 Section R106.1 of the 2015 International Residential code and section 107.1 of the 2015 International Building code, the first line shall be amended to read:

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. No O-93-18; 8/13/18 eff. 1/1/19))

Construction documents, special inspection, plat of survey (or site plan), structural calculations, and other data shall be submitted in three (3) sets with each application for a permit. For commercial, industrial and multi-family projects, six (6) sets of such information shall be submitted with each application for a permit. All plans, excluding detached single family construction shall be prepared and sealed by an Architect or Engineer licensed in the state of Illinois.

Sec. 6-1.4.5 Section R105.2 - Work exempt from permit, of the 2015 International Residential code shall be amended as follows:

(a) Under the heading of Building, line one shall be amended to read as follows: One Story detached temporary structures used for tool and storage sheds, playhouses and similar temporary uses, provided the floor area does not exceed 64 square feet or a maximum height of 10 feet and located in accordance with zoning regulations. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(b) Under the heading of Building: lines numbered two, five and ten shall be deleted in their entirety. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, O-93-18; 8/13/18 eff. 01/01/19)

(c) Under the heading of Building, line seven shall be amended to read as follows: Storable or prefabricated swimming pools that are disassembled in their entirety and put into storage between the dates of September 15 and May 15 of each year. (Ord. 0-58-03, §1, 3/10/03; (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(d) Under the heading of Building, line three shall be amended to read as follows: Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall or have an exposed wall height less than 3 feet, unless supporting a surcharge. Surcharges include, but are not limited to, sloping retained soils, structure footings supported by the retained soil, adjacent vehicular or other loads whether permanent or temporary that are supported by the retained soils, fences that are attached or directly adjacent to a retaining wall where wind pressures can act upon it and tiered walls where the offset of the walls is less than two times the exposed wall height of the lower wall. (Ord. No. 0-30-10, §1, 4/5/10; (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(e) Under the heading of Building, add the following: Tents less than 800 square feet in area for three or less days.

(f) Under the heading of Building, add the following to the end of line 9: Nor infringe upon the required zoning setbacks. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. No. 0-30-13, §1, 4/8/13, O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-1.4.6 Section 105.2 - Work exempt from permit, of the 2015 International Building code shall be amended as follows:

(a) Under the heading of Building, line one shall be amended to read as follows: One Story detached temporary structures used for tool and storage sheds, playhouses and similar temporary uses, provided the floor area does not exceed 64 square feet or a maximum height of 10 feet and located in accordance with zoning regulations. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(b) Under the heading of Building, lines numbered two, six and ten shall be deleted in their entirety. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(c) Under the heading of Building, line nine shall be amended to read as follows: Storable or prefabricated swimming pools that are disassembled in their entirety and put into storage between the dates of September 15 and May 15 of each year. (Ord. 0-58-03, §1, 3/10/03; (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(d) Under the heading of Building, line four shall be amended to read as follows: Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall or have an exposed wall height less than 3 feet, unless supporting a surcharge. Surcharges include, but are not limited to, sloping retained soils, structure footings supported by the retained soil, adjacent vehicular or other loads whether permanent or temporary that are supported by the retained soils, fences that are attached or directly adjacent to a retaining wall where wind pressures can act upon it and tiered walls where the offset of the walls is less than two times the exposed wall height of the lower wall. (Ord. No. 0-30-10, §1, 4/5/10)

(e) Under the heading of Building, add the following: Tents and less than 800 square feet in area for three or less days.

(f) Under the heading of Building, add the following to the end of line 12: Nor infringe upon the required zoning setbacks.
(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-1.4.7 Section R105.3.2 of the 2015 International Residential code and section R105.3.2 of the 2015 International Building code shall be amended as follows:

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 1/1/19)

Replace all references to 180 days with 90 days. Add the following line to the end of the section:

Where application for permit is in response to the issuance of a stop work order, such application shall be deemed to have been abandoned in 30 days after the date of filing unless such application has been pursued in good faith. (Ord. No. 0-30-10, §1, 4/5/10, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-1.5. Fees. Section R108 of the 2015 International Residential code and section 109 of the 2015 International Building code shall be amended as follows:

(a) Section R108.2 of the 2015 International Residential code and section 109.2 of the 2015 International Building code shall be amended to add the following:
(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Schedule of fees. Each application for a permit shall be accompanied by a fee, as provided in the fee schedule supplement to the Palatine Code of Ordinances, computed according to the following schedule. All reference to fees in the adopted codes is hereby amended to the following:

- (1) Plan Examination: See the fee schedule supplement to the Palatine Code of Ordinances for the fees for examining each set of plans submitted with applications for a building permit in accordance with the following schedule:
 - a. Single-family detached dwellings, single-family detached dwelling additions, alterations, remodeling or detached structure having an estimated valuation of work as follows:
 1. \$5000.00 or less
 2. \$5001.00 or more
 - b. All other types of construction, based on an estimated valuation of work as follows:

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1. Minimum Fee
2. \$100,000.00 or less
3. \$100,001.00 or more

c. Any additional and exceptional expenses incurred by the village for plan review not covered by the above fees shall be reimbursed to the village on a one-to-one ratio by the applicant.

(2) Preliminary plan review services shall be performed for a fee, as provided in the fee schedule supplement to the Palatine Code of Ordinances, per hour per person.

Any fees paid for the preliminary review shall not be credited toward the cost of the final plan review.

(3) Building Permit: See the fee schedule supplement to the Palatine Code of Ordinances for the fee for issuance of a building permit with an estimated valuation of work as follows:

\$5000.00 or less
\$5001.00 or more

a. Building Permit Extension: When requested in writing at least 30 days prior to expiration and justifiable cause demonstrated, a building permit extension shall be granted. A fee for a 90 day permit extension shall be determined as follows:

1. Detached Single Family Residential: 10% of the building permit fee as determined by section 6-1.5(b)(3) but no less or more than identified in the fee schedule supplement to the Palatine Code of Ordinances.
2. All Other: 10% of the building permit fee as determined by section 6-1.5(b)(3) but no less or more than identified in the fee schedule supplement to the Palatine Code of Ordinances.

(Ord. #0-204-07, §5, 12/10/07, effective 1/1/08)

(4) Certificate of Occupancy: A per unit fee for a certificate of occupancy shall be charged in accordance with the fee schedule supplement to the Palatine Code of Ordinances.

a. Temporary Certificate of occupancy: When requested in writing and justifiable cause demonstrated, a temporary certificate of occupancy shall be granted. A temporary certificate of occupancy shall be valid for 30 days under normal conditions or valid to June 1st for winter conditions. A fee shall be determined as follows:

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1. Detached Single Family Residential: 10% of the building permit fee as determined by section 6-1.5(b)(3) but no less or more than identified in the fee schedule supplement to the Palatine Code of Ordinances.
 2. All Others: 10% of the building permit fee as determined by section 6-1.5(b)(3) but no less or more than identified in the fee schedule supplement to the Palatine Code of Ordinances.
(Ord. #0-204-07, §6, 12/10/07, effective 1/1/08)
- (5) Demolition and Wrecking Buildings: See the fee schedule supplement to the Palatine Code of Ordinances for the fee for a permit to demolish a building.
- (6) Moving of Building: See the fee schedule supplement to the Palatine Code of Ordinance for the fee for moving a building in accordance with the following schedule:
- a. Using public right-of-way:
 - b. Not using public right-of-way.
- (7) *Inspections.* Every new building or structure and every remodeling, repair or alteration of an existing building or structure shall be charged a minimum inspection fee as provided in the fee supplement to the Village of Palatine code of Ordinances.
- a. Inspection of Plumbing and Sanitation Fixtures (new and/or replacement)
 1. Up to three (3) fixtures
 2. Four to Six (4-6) fixtures
 3. In excess of six (6) fixtures, per fixture (in addition to the above)
 - b. Inspection of Fire Suppression System
 1. Up to 100 sprinkler heads
 2. Each additional 100 sprinkler heads or fraction thereof in excess of 100 (in addition to above)
 - c. Inspection of Electrical Systems
 1. Residential (new and/or renovation) per unit
 - i. 250 sq. ft. or less
 - ii. 251 to 1000 sq. ft. (in addition to the above)
 - iii. Each additional 1000 sq. ft. or fraction thereof (in addition to the above)
 2. In other than residential occupancies (new and/or renovation)
 - i. 42 circuits or less, per circuit
 - ii. 43 circuits or more, for each additional circuit (in addition to the above)
 - d. Inspection of HVAC Systems
 1. 250 sq. ft. or less
 2. 251 to 10,000 sq. ft. (in addition to the above)
 3. Each additional 10,000 sq. ft. or fraction thereof (in addition to the above)

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- e. Inspection of Carpentry (framing, roofing, concrete, insulation, and similar)
 - 1. 500 sq. ft. or less
 - 2. 501 to 1000 sq. ft. (in addition to the above)
 - 3. 1001 to 10,000 sq. ft., per 1,000 sq. ft. or fraction thereof (in addition to the above)
 - 4. 10,001 to 20,000 sq. ft., per 1,000 sq. ft. or fraction thereof (in addition to the above)
 - 5. 20,001 sq. ft. and up, per 10,000 sq. ft. or fraction thereof (in addition to the above)
- f. Re-inspections. If a contractor calls for an inspection and the work is not ready, incomplete, or is otherwise failed, a re-inspection will then be required. In addition to the fee paid for the failed inspection, the contractor shall be charged a re-inspection fee as provided in the fee supplement to the Village of Palatine Code of Ordinances.
- g. Cancelled Inspection fee. No fee shall be charged for a cancelled inspection provided the cancellation occurs by 4:00 PM on the previous day for inspections scheduled for the next morning and by 11:00 AM on the day of for afternoon inspections. Inspections not cancelled in this manner shall be charged a cancelled inspection fee as provided in the fee supplement to the Village of Palatine Code of Ordinances.
- h. Saturday Inspections: Non-emergency type inspections requested by contractors for Saturday shall be charged at a rate three (3) times the minimum inspection fee as provided for in the fee schedule supplement to the Palatine Code of Ordinances.
- i. Elevator inspection/re-inspection fee: The fee for semi-annual elevator inspections, new elevator installations and required re-inspections shall be as provided for in the fee schedule supplement to the Palatine Code of Ordinances.

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. No. O-93-18; 8/13/18 eff. 1/1/19; Ord. No. O-102-19, 12/2/19; Ord. No. O-94-20, 12/07/2020)

- (b) Section R108.3 of the 2015 International Residential code shall be amended to read as follows:

Building Permit Valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

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(c) *Forfeiture of permit applications.* Permit applications which have expired by limitation or withdrawn shall pay all fees incurred by the Village up to that date. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(Ord. No. 0-127-09, §1, 11/16/09; Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

(d) *Forfeiture by limitation.* Fees for permits which have expired by limitation shall be forfeited to the village.

(e) *Return of fee upon surrender of permits.* If a permit is surrendered within the calendar year of the date of issuance, and no work has been commenced, the applicant will be refunded permit fees minus any costs incurred by the Village.

(f) *Special fees.* For individual residential unit owners applying for express permits, there shall be a flat permit fee as set out in the fee schedule supplement to the Code of Ordinances for the following express permit types: (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

- (1) Residential fence installation.
- (2) Residential shed installation.
- (3) Residential driveway installation.
- (4) Residential patio and private walk installation. (Ord. #0-204-07, §7, 12/10/07, effective 1/1/08)
- (5) Residential tear-off roof and reroof installation.
- (6) Residential deck installation.
- (7) Residential aboveground swimming pool.
- (8) Residential ventilating and central air conditioning (HVAC) replacement.
- (9) Residential sewer/water service repair or replacement. (Ord. No. 0-21-15, §1, 3/16/15)
- (10) Residential lawn sprinklers.
- (11) Residential electric service revision. Including generators. (Ord. No. 0-21-15, §1, 3/16/15)
- (12) Dumpster/screening enclosure
- (13) Residential Water heater replacement

(g) *Special technical problems.* When applications for permits are filed for buildings or structures of such unusual technical design or magnitude of construction that they may not be fully covered by this article, the code official may refer such plans and specifications to an appropriate, authoritative technical agency, or he may retain a properly qualified licensed engineer or registered architect for analysis and recommendations as to safety of design and compliance with this article. The expense involved in obtaining a licensed engineer or architect to review the special conditions shall be reimbursed to the village on a one-to-one ratio.

Sec. 6-1.6. Inspections. Section R109 of the 2015 International Residential code and section 110 of the 2015 International Building code shall be amended to add the following:

Scheduling required inspections. All inspections must be requested for scheduling twenty-four (24) hours prior to inspection. It is the responsibility of the person requesting the inspection to know the address (number and street name), permit number and lot number (if applicable) when calling for an inspection. An inspection shall not be granted without this information. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-1.7. Certificate of Occupancy. Section R110 of the 2015 International Residential code and section 111 of the 2015 International Building code shall be amended to add the following:

Within ten (10) working days from the time an applicant submits a request and upon confirmation by the Building Official that all work has been completed and approved in accordance with all applicable codes and ordinances, a certificate of occupancy for the permitted work will be issued. (Ord. #0-204-07, §8, 12/10/07, effective 1/1/08; (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-1.8. Floodplain Regulation

See Section 6.08 of Appendix B of the Village of Palatine Code of Ordinances for floodplain regulation. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-1.9. Erosion and Sediment Control

See Section 6.09 of Appendix B of the Village of Palatine Code of Ordinances for regulations concerning erosion and sediment control. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-1.10. Water Conservation Fixtures

Pursuant to 17 Ill. Adm. Code 3730.307 4) and subject to the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Adm. Code 892), be it hereby ordained that in the Village of Palatine, all new plumbing fixtures and irrigation controllers installed after the effective date of this ordinance shall bear the WaterSense label (as designed by the U.S. Environmental Protection Agency WaterSense Program), when such labeled fixtures are available. (Ord. No. 0-102-15, §1, 9/8/15)

Sec. 6-2. International Residential Code, 2015 Edition

The International Residential Code, 2015 Edition is hereby adopted with the following amendments:

Sec. 6-2.1 Board of Appeals

Section R112.0 shall be deleted. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-2.2. Climatic and geographical design criteria

Table R301.2(1) shall be amended to add the following:

- (a) Ground Snow Load: 25 psf
- (b) Wind Speed: 115 mph – 3 second gust
- (c) Seismic Category: B

- (d) Weathering: Severe
- (e) Frost Line Depth: 3'-6"
- (f) Winter Design temp: -4° F
- (g) Ice Barrier Underlayment Required: Yes
- (h) Air freezing Index: 2000
- (i) Mean Annual temp: 50

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-2.3 Garages and Carports

Section R302.5.1 shall be amended to add: The door shall have a hinge type self-closer. Any attic access scuttle located in a garage ceiling, where such garage attic space is contiguous to the main dwelling attic shall have a minimum 20-minute fire-rating label. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-2.4 Fire Resistant Construction

Section R302 shall be amended as follows; delete footnote a. in table R302.1(1) and footnote b. in table R302.1(2) (Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-2.5 Wood Foundations and Pressure Preservative Treated Wood Floors (on Ground).

Wood foundations are not permitted. Therefore, Section R402.1, all references to wood foundations in section R403, R404.2 through R404.2.6, R405.2 through R405.2.3, R406.3 through R406.3.4, and R504 shall be deleted. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-2.6 Concrete Floors (on Ground)

Section R506.1 shall be amended to read as follows:

General. Concrete slab-on-ground floors shall be a minimum 4 inches thick except as otherwise noted below. (for expansive soils, see Section R403.1.8)

1. Walks and Patios. Public concrete walks shall be constructed with at least 5 inches of concrete and private walks and patios shall be constructed with at least 4 inches of concrete. Wire mesh is not allowed in the public walk area.
2. Driveway. Concrete driveways shall be constructed with at least 5 inches of concrete and concrete driveway aprons in the Village right of way (parkway) shall be constructed with at least 5 inches of concrete. Wire mesh is not allowed in the parkway (apron).
3. Garage Floor. Garage floors shall be constructed with at least 4 inches of concrete. Install a thickened concrete edge at overhead door 14 inches down and 20 inches wide. This 14 inch measurement includes the 4" for the concrete floor. Install (2) #5 5/8 inch diameter rebar approximately in bottom of thickened edge at overhead door approximately 3 inches from bottom along the full length.

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Section R506.2.2 shall be amended to read as follows:

Base. A 4 inch thick base course of clean graded compacted gravel or crushed stone material shall be placed on the prepared subgrade.

Sec. 6-2.7 Duct Construction

Sec. M1601.1.1 numbers 5 and 7 shall be substituted with the following:

- (5) Gypsum products shall not be used as ducts or plenums.
- (7) Wood floor joist and stud spaces shall not be used to convey conditioned supply air or return air in forced air heating/cooling systems.

[Editor's Note: Secs. 6-2.8 – 6-2.11 were added by Ord. No. 0-21-15, approved on 3/16/15)

Sec. 6-2.8. Smoke Alarm Power Source

Section R314.6 shall be amended to add; Smoke alarms shall not be connected to a dedicated circuit. (Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-2.9. Exterior Decks

Section R507.2.4 shall be amended to add; When the deck floor height is less than 30 inches measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the deck, lateral load connections are not required. (Ord. O-93-18; 8/13/18 eff.01/01/19)

Sec. 6-2.10. – 6-2.11, Reserved

Sec. 6-3. International Building Code, 2015 Edition.

The International Building Code, **2015** Edition is hereby adopted with the following amendments: (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-3.1. Board of Appeals

Section 113.0 shall be deleted.

Sec. 6-3.2 Roof Access

Section 1011.12 shall be amended to read:

Stairway to roof. In buildings with roof surfaces three (3) or more stories in height above grade and with two (2) or more stairways, two (2) of those stairways shall extend to the roof surfaces, unless the roof has a slope steeper than four (4) units vertical in twelve (12) units horizontal (33-percent slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by alternating tread devices. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff, 01/01/19)

Section 1011.12.2 (exception) shall be amended to read:

Exception: In buildings without occupied roofs, access to the roofs shall be permitted to be a roof hatch or trap door not less than 16 square feet in area and having a minimum dimension of three (3) feet (914mm). (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-3.3. Foundations and Footings

Section 1807.1.4 Permanent Wood Foundations Systems and Section 1809.12 Timber Footings shall be deleted as they are not permitted. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-3.4 Elevator Pit Plumbing

Section 3002.9 Plumbing and mechanical systems; shall be amended to add the following:

At a minimum, at the bottom of every elevator pit there shall be a floor drain directly connected to an (18) inch x (30) inch deep covered sump pit. Should soil reports indicate a high level of ground water, the elevator shaft shall be waterproofed to prevent the intrusion of water and/or provided with a sump pump piped to an open site drain or mop basin. (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-3.5 Machine Rooms

Section 3005.1 Access; shall be amended to add the following:

This means of access is not to be used as a passageway through the machine room to other areas of the building or roof.

Sec. 6-4. National Electrical Code, 2017 Edition.

NFPA 70 National Electrical Code, 2017 Edition, is hereby adopted with the following amendments: (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-4.1. Article 210 – Branch Circuits

Table 210-21(B)(3). Receptacle Ratings for Various Size Circuits; shall be amended as follows:
Receptacle rating for a 20 ampere circuit rating shall be 20 amperes.

Sec. 6-4.2. Garages.

Section 210-52(g) shall be amended to add the following:

(1) In addition to the receptacle required by Sec. 210-52, a minimum of one (1) duplex receptacle outlet shall be installed in the ceiling of all garages in the immediate area of and for the purpose of providing electrical means for automatic garage door opening device.

(2) All detached garages shall have a three (3)-way switch arrangement from the dwelling to a light fixture outside the garage service door.

Sec. 6-4.3. Services.

Section 230.50 Service-Entrance Conductors Protection; shall be amended as follows:

Delete sections 230.50(B)(1)(3), 230.50(B)(1)(4), 230.50(B)(1)(5),

Add the following exceptions:

Exception 1. In temporary services flexible metal conduit and liquid-tight metal conduit may be used for necessary flexibility at the termination of conduit runs in lengths six (6) feet or less. Where approved by the authority having jurisdiction.

Exception 2. Service entrance conductors shall be allowed in rigid non-metallic conduit underground, where covered in not less than two (2) inches of concrete.

Section 230.9(A) Clearances; the reference to 3 feet shall be replaced with 5 feet.

Sec. 6-4.4. Article 240 - Overcurrent Protection;

Add the following: All circuit breakers used for commercial and/or industrial building types shall be bolt-on type.

Sec. 6-4.5. Wiring Methods.

Sec. 300.1 Scope shall be amended to add the following:

(c) All conductors that may carry electrical current rated at fifty (50) volts or greater shall be installed in rigid heavy-wall galvanized steel conduit, intermediate metallic conduit, or electrical metallic tubing except as otherwise herein stated.

(d) All conduit systems that are installed outside of a building or structure and exposed to any type of weather conditions and/or in contact with the earth shall be rigid heavy-wall galvanized steel conduit, unless hereinafter stated.

Exception 1. Rigid non-metallic conduit may be permitted for installations only in areas such as below concrete slabs or in locations where conduit systems will be in contact with the earth.

Exception 2. Rigid non-metallic conduit shall not be less than schedule forty (40) unless approved by special permission.

Sec. 6-4.6. Conductors for General Wiring

Sec. 310.106(B) Conductor Material; shall be amended to read as follows:

Only copper conductors shall be used for all residential and commercial branch circuits, from the load side of the metering device to the main service disconnect, for all feeder panels, service entrance conductors, neutral conductors, and the like.

Exception: Compressed aluminum wire shall be allowed for service entrance conductors and feeders in commercial, non-residential applications. Compressed aluminum wire shall be limited to number 2 or larger in size and series AA-8000 type electrical grade aluminum alloy conductor material only.

(Ord. No. 0-60-14, §1, 5/12/14)

Sec. 6-4.7. Water Meters Wiring.

In all new construction electrical metallic tubing shall be installed from the water meter location to an outside wall at a point approved by the Building Inspector for low-voltage wiring to a remote reader for the water meter. This shall be in place at the time of rough inspections.

Sec. 6-4.8. Deleted Articles. The following articles in NFPA 70, 2017 Edition, shall be deleted:

Article 398. Open wiring on insulators.

Article 396. Messenger support wiring.

Article 394. Concealed knob and tube wiring.

Article 332. Mineral-insulated, metal-sheathed cable.

Article 362. Electrical non-metallic tubing except herein stated.

Article 334. Non-metallic sheathed cable.

Article 338. Service entrance cable.

Article 352. Sections 352.10(A) and 352.10(F)

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18;8/13/18 eff. 01/01/19)

Sec.6-4.9. Reserved

Sec. 6-5 Use of Public Utilities.

All buildings that require plumbing fixtures as stated within this code, are required to connect to public utilities if such utilities are located within 250 feet, measured in any direction from the property line.

(Ord. No. 0-21-15, §1, 3/16/15)

Sec. 6-5.1. Water Supply Control.

Water Supply Control. A main shut off valve and B-box on the water service pipe shall be provided in the public right-of-way between the curb and public walkway or property line. The water service shall not be located under driveways or parking areas, or sidewalks. In addition thereto, an accessible shut off valve shall be provided inside near the entrance of the water service pipe into the building. A pit or similar type installation less than 5'-0" below the ground is prohibited for potable water and shut off valves or water meters. (Ord. No. 0-21-15, §1, 3/16/15)

Where it is not feasible to locate the control valve and B-box in the municipal right-of-way it may be located on private property if its location is approved and it meets the following criteria.

1. Control valve shall be in a location accessible from the exterior.
2. An access easement shall be granted to the Village to go on private property for the purpose of shut off for non-payment of sewer and water fees.

Sec. 6-5.2 Sewer Repair Cleanout

Whenever an outside sewer that connects to a sewer main is repaired, a full size clean out (6") shall be installed within 5 feet of the foundation wall, either inside or outside the building. (Ord. No. 0-21-15, §1, 3/16/15)

Sec. 6-6. International Mechanical Code, 2015 Edition.

The International Mechanical Code, 2015 Edition, is hereby adopted with the following amendments:

(Ord. #0-204-07, §15, 12/10/07, effective 1/1/08; (Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11, Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-6.1 Scope and Administration

Chapter 1, Part 2 Administration and Enforcement shall be deleted.

Sec. 6-6.2 Gypsum Ducts.

Sec. 603.5.1 shall be deleted. Gypsum ducts are not permitted to transmit conditioned or non-conditioned air.

(Ord. No. 0-69-11, §1, 6/20/11, effect. 7/18/11)

Sec. 6-7 International Fuel Gas Code, 2015 Edition.

The International Fuel Gas Code, 2015 Edition, is hereby adopted with the following amendments: (Ord. O-93-18; 8/13/18 eff. 01/01/19)

Sec. 6-7.1 Scope and Administration

Chapter 1, Part 2 Administration and Enforcement shall be deleted.

Sec. 6-7.2 Combustion Air Ducts.

Sec. 304.11(1) The exception shall be deleted. Stud and joist spaces are not permitted to transmit combustion air, conditioned or non-conditioned air.

(Ord. #0-204-07, §18, 12/10/07, effective 1/1/08; Ord. #0-6-09, §2, 1/5/09,)

Sec. 6-8. Driveways, parking, private and public.

Sec. 6-8.1. Regulations of private and public parking facilities.

- (a) *Design.* All parking facilities shall be designed in accordance with App. A - Zoning Ordinances, Article VII.

- (1) *Surfacing.* All off-street parking areas and access driveways shall be fully improved with a hard-surface pavement approved by the code official and shall be graded so that all surface water is drained to storm sewers within the parking facilities and discharging to a municipal storm sewer or waterway. If the paving of any parking area, except those serving individual single-family residence's, will increase the concentration of stormwater runoff to any street, public sewer drainage channel or waterway, the plans and specifications shall be submitted to the village engineer for review. Site run-off rate reduction (detention) or volume control (retention) measures may be necessary to reduce negative impacts of the increased storm water run-off. Water quality control practices are encouraged or may be required if the discharge is determined to potentially have a negative impact to the receiving waterway. The pavement surface shall be concrete or asphalt and the total pavement section shall be designed for the existing sub-grade soils and to accommodate the expected vehicular volumes and loads but in no case shall the structural number be less than two (2). All materials and methods of construction shall conform to the current edition of the *State of Illinois Standard Specifications for Road and Bridge Construction*. Pavement design as defined by the *State of Illinois Design Manual* shall be required for all construction and is to be calculated by a State of Illinois-licensed architect or professional engineer and shall be reviewed and approved by the code official. Separate analyses shall be submitted for parking areas comprised of storage and circulation areas and driveways, access lanes or approaches. (Ord. No. 0-30-10, §1, 4/5/10)

- (2) *Curbs.* All newly constructed open off-street parking areas covered under this article shall provide a continuous curb around its perimeter. The curbing shall be located a minimum of three and one-half (3 1/2) feet from adjacent property or right-of-way lines. (Ord. No. 0-30-10, §1, 4/5/10)

- (3) *Illumination.* All open off-street parking areas covered under this article shall be illuminated and such illumination shall be so shielded or otherwise optically controlled so as to provide glareless illumination in such manner as not to create a nuisance on adjacent properties or roadways. (Ord. No. 0-30-10, §1, 4/5/10)
 - a. Illumination of parking areas shall limit light spillage onto adjacent property to a maximum horizontal footcandle value at the perimeter of the property that is being illuminated in accordance to the following:

Adjacent Property Use	Maximum Footcandles at Perimeter
Single-family residential....	0.1
Multiple-family residential....	0.2
Business....	2.0
Industrial....	5.0
Park, school and institutional....	5.0

- b. Illumination of parking areas shall meet the following minimum requirements:

Property Use	Minimum Average Footcandles
Single-family residential....	None
Multiple-family residential....	0.05--0.2
Business....	0.15--0.6
Industrial....	0.10--0.4

- (b) *Driveway Paving*: See Chapter 16, Article III

Sec. 6-8.2. Residential Grading and Drainage:

Cross reference Appx. B Article VI

- (a) *Grading and Drainage*:

- (1) Grading or drainage or both shall be performed so that water will drain away from the building on all sides and off the lot in a manner which will provide reasonable freedom from erosion and pocketed surface water. Construction such as additions, detached garages, patios, walks, driveways and retaining walls shall be installed so that they will not interfere with drainage.
- (2) Lots in approved subdivisions shall have a final grade and drainage plan to reflect the approved engineering for that subdivision. It shall be at the discretion of the code official to request a topographical survey to verify that the final conditions in effect meet the requirements of the approved engineering. (Ord. No. 0-30-10, §1, 4/5/10)
- (3) The final grade shall mean that the yard is ready for the installation of sod or seeding and free of large imperfections.

- (b) Grade of attached garages. No residential building shall be constructed with its attached garage floor below the grade of the existing or proposed public sidewalks adjacent to the subject lot (or below the grade of the front lot line if no sidewalk is required) unless the location of such garage and the grade of such public sidewalks (or lot line) conform to the following:

- (1) The driveway entrance to the garage of such building shall be located a minimum of seventy (70) feet from any low point (sag) drainage structure in the gutter or in the roadway ditch. Such seventy-foot measurement shall be the distance from the drainage structure to the side of the driveway which is nearest thereto and such measurement shall be made along the pavement; and

- (2) The public sidewalk (or front lot line if no sidewalk is required) immediately adjacent to the driveway leading to such garage or the summit of the driveway pavement shall be constructed such that its elevation is not less than fifteen (15) inches above the elevation of the cover of any drainage structure located in a low point (sag).

Sec. 6-8.3. Waivers.

a) Request for Waiver. A request for a waiver from one or more of the provisions of this Section 6-8, but not any other section referenced in Section 6-8, must be in writing to the Village Manager or his designee. The request shall identify each provision of this Section 6-8, but not any other section referenced in Section 6-8, from which a waiver is requested and the reasons supporting the request for waiver.

b) Conditions for Granting of Waiver. The Village Council may authorize a waiver only if the petitioner requesting the waiver has demonstrated that:

- 1) One or more conditions creates a special situation that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- 2) All other designs, methods, materials, locations or facilities, not the subject of the waiver, will conform to the Village Code provisions.

c) Additional Conditions for Granting of a Waiver. As a condition for authorizing a waiver, the Village Council may require the petitioner requesting the waiver to meet reasonable standards and conditions that may or may not be expressly contained within this Section 6-8, but which carry out the purposes of this Section 6-8, in light of the waiver to be granted. (Ord. No. 0-232-03, §6, 10-20-03)

Sec. 6-9. Antenna towers and satellite dishes.

Sec. 6-9.1. All antenna towers and satellite dishes shall comply with the requirements of App. A - Zoning Ordinances, Article VI and the following sections of this code.

Sec. 6-9.2. Construction Standards.

- (a) The following standards are applicable to antenna towers:
 - (1) All antenna towers shall be embedded in a concrete foundation. Such foundation shall meet the requirements of this article and the applicable codes referenced in Section 6-1.1. (Ord. No. 0-29-13, §2, 4/8/13)
 - (2) All antenna towers shall be constructed in accordance with the applicable codes referenced in Section 6-1.1. (Ord. No. 0-29-13, §2, 4/8/13)
 - (3) All steel in antenna towers shall be constructed in accordance with the applicable codes referenced in Section 6-1.1 but not less than one-fourth inch in thickness. All aluminum shall be not less than one-eighth inch in thickness when used structurally. Where towers are constructed of tubing, the minimum wall thickness of the tubing shall be no less than one-sixteenth inch, and such tubing, if steel, shall be galvanized. (Ord. No. 0-29-13, §2, 4/8/13)

- (b) The following standards are applicable only to satellite dishes:
- (1) All ground level (pedestal type) satellite dishes shall be embedded in a concrete foundation two (2) feet by two (2) feet by four (4) feet deep.
 - (2) All satellite dishes shall be constructed to withstand a minimum wind velocity of ninety (90) miles per hour.
 - (3) All metal structures supporting satellite dishes shall be permanently and effectively grounded without splices or connection in the grounding conductor and in compliance with the applicable codes referenced in Section 6-1.1. (Ord. No. 0-29-13, §2, 4/8/13)

Sec. 6-10. Foundation sump pumps and roof drainage discharge.

Sec. 6-10.1 Foundation sump pump

All new and existing basement or foundation sump pumps shall discharge onto front, rear or side yards of the property from where the discharge originates. Sump pumps shall discharge onto a splash block or similar impervious surface located below the point of discharge. The sump pump discharge pipe shall extend through an exterior wall to the outside and be provided with an elbow to direct the discharge onto an impervious surface. The discharge pipe shall be no higher than one (1) foot above the impervious surface nor shall extend more than two (2) feet from the foundation or exterior wall. Sump pumps may also discharge into a properly constructed rain garden located entirely on the property from where the discharge originates. (Ord. No. 0-30-10, §1, 4/5/10)

Sec. 6-10.2 Roof water

All rain water run-off from all building or structure roofs shall be collected by an adequate system of gutters or drain pipes which discharge into downspouts. Downspouts shall be brought to a grade not higher than eight (8) inches above the ground surface on an outside building wall and shall have a proper elbow and leader not to exceed two (2) feet from the foundation or exterior wall discharging onto a splash block of concrete or other hard surface material. (Ord. No. 0-30-10, §1, 4/5/10)

Sec. 6-10.3 Discharge into sewer or ditch

Storm water run off from roofs, direct connection of downspouts or sump pump discharges shall not be drained in any way into the plumbing system of the building, nor shall any connection be arranged so as to drain storm water directly into a public sanitary sewer. Sump pump discharge may discharge directly into a roadway ditch or storm sewer where such storm sewers and roadway ditches are deemed adequate by the Village Engineer and only if a building permit is secured for the connection. If discharge is to an open ditch, proper erosion control measures shall be used at the point of discharge. Piping used to convey the discharge to the ditch or storm sewer shall not be placed on the surface of any parkway, sidewalk or roadway. (Ord. No. 0-30-10, §1, 4/5/10)

Sec. 6-10.4 Excessive accumulation

Discharges shall not cause any excessive accumulation of water on the property or on any other property or cause a public health or safety hazard on any parkway, roadway or sidewalk. "Excessive accumulation" shall be defined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall. (Ord. No. 0-30-10, §1, 4/5/10)

Sec. 6-11. Elevators and Conveyances
(Ord., No. 0-127-09, §2, 11/16/09)

Sec. 6-11.1 Elevator and Conveyance Code

The construction, operation, inspection, testing, maintenance, alteration and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, its associated parts, and its hoist ways shall be conducted in accordance with the State of Illinois Elevator Safety Act and Village of Palatine ordinances.

Sec. 6-11.2 Elevator and Conveyance Permits.

A permit shall be obtained from the Village of Palatine prior to erecting, constructing, installing, or materially altering any conveyances governed by the State of Illinois Elevator Safety Act.

Sec. 6-11.3 Fees.

Fees shall be per Section 6-1.5 of this code of ordinances.

Sec. 6-11.4 Required Existing Elevator Inspections.

All existing elevators in the Village of Palatine shall be inspected on a semi annual basis. The Building Official or his agent shall issue a certificate of elevator inspection or a notice of failure of compliance to the owner. The owner shall make any changes necessary to ensure compliance within 30 days after receipt of such notice, unless otherwise notified. The owner shall post the current issued certificate of elevator inspection in a conspicuous place inside the elevator.

Sec. 6-11.5 Elevator Car to Accommodate Ambulance Stretcher

Section 3002.4 of the International Building Code, 2015 Edition shall be amended to read as follows:

Where elevators are provided in buildings, not fewer than one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame.

Sec. 6-12 International Existing Building Code, 2015 Edition

The International Existing Building Code, 2015 Edition, is hereby adopted with the following amendments:

Sec. 6-12.1 Scope and Administration

Chapter 1, Part 2 Administration and Enforcement shall be deleted.

Sec. 6-13 International Swimming Pool and Spa Code, 2015 Edition

The International Swimming Pool and Spa Code, 2015 Edition, is hereby adopted with the following amendments:

Sec. 6-13.1 Scope and Administration

Chapter 1, Part 2 Administration and Enforcement shall be deleted.

(Ord. No. O-93-18; 8/13/15 eff. 1/1/19)

Secs. 6-14--6-15. Reserved.

ARTICLE II RESERVED

Secs. 6-16--6-30. Reserved.

ARTICLE III BUILDING OPERATIONS

Sec. 6-31. Use of streets.

Cross reference Chapter 16 Streets and Sidewalks, Article I

The use of streets shall comply with the requirements as set forth in Chapter 16 Article I of the village municipal code of ordinances.

Sec. 6-32. Night operations.

No construction or alteration operations shall be carried on between the nighttime hours of 8:00 p.m. and 7:00 a.m. with the exception of Sundays when said operations may not commence before 12:00 noon, if the same are accompanied by loud or annoying noises except in the event of an emergency; and any such emergency operations shall not be begun until special permission is secured from the village manager. (Code 1961, § 20.202; Ord. No. O-3-79, § 1, 2-12-79; Ord. No. O-91-86, § 1, 8-25-86)

Sec. 6-33. Sidewalks.

Cross reference Chapter 16 Streets and Sidewalks, Article I

No sidewalk shall be obstructed in the course of building operations without permission from the code official; and whenever a removal of a sidewalk is required such work shall not be done until permission is secured from the code official. (Code 1961, § 20.203)

Sec. 6-34 Construction Site Cleanliness

(1) "Construction site" means any or all portion of the real property that is identified as the location of any excavation or of the erection, enlargement, alteration, repair, removal, or demolition of any building, structure or structural part thereof within the Village. However, for purposes of this section, "construction site" does not include a project location where all construction and/or demolition activity, including the staging of construction materials and storing of debris, is conducted within a completely enclosed structure, or a project that will be occupied during the construction activity.

(2) All construction sites shall be governed by the following standards:

(a) All construction sites shall be enclosed by a continuous chain link fence six feet in height which shall be anchored sufficiently to resist wind loads of 30 pounds per square foot without deflection of more than three inches between top and bottom of fence. The fence shall not contain any advertisements. Access openings in such fencing shall be protected by gates that are normally kept closed during the day and secured every night.

(b) The construction site fence shall be placed at the perimeter of the property or, for work in an area substantially smaller than the entire property, around the site of construction large enough to ensure sufficient room for movement of tools and workers, storage of waste receptacles and other items, and the safety of the public.

(c) The general contractor shall immediately repair any damage to the construction site fence and maintain the integrity and continuity of the fence for the duration of the project.

(d) All dumpsters and debris collection devices shall be stored behind the construction site fence unless specifically permitted for public way use, and shall be regularly serviced to avoid overfilling. Where dumpsters are used to directly collect construction debris from upper floors, chutes shall be used to direct the debris from each floor directly into the dumpster. Construction wastes shall be separated from any recyclable or organic wastes that shall be separately contained.

(e) The general contractor shall take all necessary steps to ensure that dirt and debris from the construction site shall not be transmitted by vehicles leaving the site to the public way. Mitigation measures shall include, but not be limited to, stoning or paving of haul roads, wheel wash stations, and street sweepers.

(f) Sealed trash containers for litter and routine construction waste shall be provided throughout the site and at least one container provided for every floor. All trash shall be removed daily or more frequently as needed.

(g) Construction materials and materials awaiting disposal shall be gathered daily and piled in a neat and orderly manner. Where materials are stored for use on floors above grade, they shall be secured to prevent loosening due to weather conditions or other phenomena.

(Ord. 0-242-05, §2, 12-12-05)

Sec. 6-35 Restoration of vacant lots following demolitions.

- (1) On any and all lots where an existing structure(s) has been demolished, either partially or in its entirety, and no construction or permit activity has started within thirty (30) days following the completion of the demolition work, all construction debris, fencing and/or equipment shall be removed and excavated areas shall be backfilled. No fill may be placed on any frozen surfaces. Do not incorporate snow, ice or frozen earth into the fill. Surface shall be shaped to allow runoff. Do not allow equipment on the fill areas after the above operations until it is dry enough so that rutting and remolding of the top eight inches will not occur. After dumping, spread materials by bulldozers or other acceptable means in appropriate horizontal layers over the fill areas and cover at an approximately uniform elevation. As soon as practicable after commencement of construction of any section of fill, grade and crown the section with a minimum 1.0 percent grade so that the surface of fill will drain freely and this grade shall be maintained as needed. If compacted surface of any layer of material is determined to be too smooth to bond properly with the succeeding layer, loosen by scarifying or by other acceptable

means before the succeeding layer is placed thereon. The property is to be final graded with 4 inches of topsoil and seeded to prevent erosion. In the case of a demolition of a non-residential structure where the surrounding surface is paved parking and where the area will continue to be used for parking, the disturbed area is to be restored with pavement of similar construction to the adjacent surface. (Ord. No. 0-30-10, §1, 4/5/10)

(2) Time extensions. The code official may grant extensions in increments up to ninety (90) days at one time when the code official determines that such extensions are in the best interest of the Village and are requested in accordance with section 6-1.4.2 and 6-1.5(b)(3)a.

(3) Village completion of restoration. In the event that the lot is not restored within the specified time period, the Village has the right, but not the obligation, to enter the said lot and complete the necessary restoration work. The Village shall bill the property owner for the costs of such work and, if payment is not received within a standard billing cycle, the Village shall file a lien to collect payment in accordance with the provisions of applicable law.

(Ord. #0-204-07, §20, 12/10/07, effective 1/1/08)

Secs. 6-36--6-40 Reserved.

ARTICLE IV. ARCHITECTURAL DESIGN GUIDELINES

Sec. 6-41. Detached Single Family Development

Sec. 6-41.1 Monotony:

In developments of two (2) or more units, no detached single-family residence (the □subject residence□) shall be built in the Village which is the same or similar front elevation design as the single-family residences located on the same side of the street on the first, second or third lots on either side of the subject residence (regardless of intervening streets) or directly across the street from the subject residence.

(a) The subject residence shall be deemed to be of the same or similar design to a residence to which it is compared (the □compared residence□) unless the subject residence; has major exterior building materials (excluding wood, masonite, stucco, plaster or other siding materials which are customarily painted) of a different permanent color, or different predominant building materials used on it's exterior (i.e., vertical siding, horizontal siding, masonry, stone, stucco, wood shingles, asphalt roofing, terra cotta, slate roofing) than the compared residence, and has at least three (3) of the following features different from the compared residence:

- (1) Primary Roof type (hip, front gable, side gable, hip-on-gable, mansard, etc.) and/or a difference in roof slope of more than three (3) inches in twelve (12) inches.
- (2) Floor plan footprint and/or orientation (right-hand model vs. left-hand model)
- (3) Site orientation (different elevation facing the street or plane of front elevation differs by more than 45 degrees from the front elevation plane of the compared residence)

- (4) Front porch (usable porch w/ roof and guardrail vs. stoop or steps with landing)
- (5) Predominant architectural elements (Tudor, neo-colonial, prairie school, craftsman, neo-french, stick, french eclectic, etc.)
- (6) Windows of different size, type, and spacing.

All elevations facing a public street shall have materials other than vinyl or aluminum siding. The use of EIFS on these elevations is permitted in limited amounts not to exceed 50% of the elevations' square footage. When location of the residence requires that two elevations meet this requirement, the exterior building design and detail on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design.

- (b) When, in the Building Directors' opinion such residences or dwelling units as depicted in plans submitted for building permit approval are not of sufficiently dissimilar design, the Building Director shall not issue a building permit for erection of such residence or dwelling unit. Plans for the particular residence or dwelling unit in question may be resubmitted after they have been modified to accommodate variation in plan, elevation and use of exterior building materials and color.

Sec. 6-42. Development Other Than Detached Single Family

Sec. 6-42.1 Exterior Building Design:

When rear and side elevations are visible from public streets or neighboring properties, exterior building design and detail on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design.

Sec. 6-42.2 Screening:

- (a) **Trash containers and outdoor storage areas** shall be screened from public streets, pedestrian areas, and neighboring properties. The screens should be designed to be compatible with the architectural character of the development. Trash screens shall also meet the requirements of Chapter 12 of this code. These screens shall be constructed of durable materials similar to those of the building and shall have solid (opaque) walls and doors.

(b) Roof-top equipment screening:

1. **New Construction.** All mechanical equipment and other similar devices located on any roof shall be visually and acoustically screened on all sides. Design and detail of such screening on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design with the major portions of the building.
2. **Alterations, Additions and Repairs.** Any new rooftop equipment added as a result of alterations, additions and/or repairs shall be screened as required for new construction. When existing rooftop equipment that is currently unscreened is replaced in the same location and is of generally the same size and weight, screening as required for new construction shall not be required.

3. Technically Infeasible. When the addition of new equipment screening will be difficult to accomplish because the existing structural conditions require the alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements to achieve full and strict compliance with the minimum screening requirements for new construction, relief from full compliance with such requirements may be requested.

(Ord. No. 0-21-15, §1, 3/16/15)

- (c) **Exterior utility screening:** Whenever possible, exterior mechanical systems, transformers, utility meters and panels should be enclosed and screened from the street and sidewalk views. Screening should be effective in every season. (Ord. 0-58-06, §2, 3/20/06, eff. 6/1/06)

Sec. 6-42.3 Service Area Locations:

Access for service vehicles, trash collection and storage areas should be located on alleys where alleys exist. When no alley exists, the access should be provided on the side with the least traffic volume and the least visual impact to pedestrians and neighboring properties.

Secs. 6-43--6-55 Reserved.

(Ord. No. 0-2-00 □ 1, 1-3-00)

ARTICLE V. PUBLIC IMPROVEMENTS*

*Cross reference(s)--Streets and sidewalks, Ch. 16; water and sewer services, Ch. 19; Appx. B subdivision, site development and floodplain regulations code

Sec. 6-56. Conditions prerequisite to issuance of building permit.

No building permit shall be issued by any village official for the construction of any building, structure or improvement to the land on any property, whether subdivided or unsubdivided, until all requirements of this article concerning the installation of public improvements have been fully complied with. (Code 1961, □ 20.801)

Sec. 6-57. Specifications.

All public improvements shall comply with the requirements as set forth in Appendix B Subdivisions, Site Development and Floodplain Regulations, Article VIII and Chapter 19 Water and Sewer Services, Articles II and III. (Ord. No. 0-30-10, §1, 4/5/10)

Sec. 6-58. Public improvement bond.

Public improvement bonds shall be deposited as required by Appendix B Subdivisions, Site Development and Floodplain Regulations, Article IX. (Ord. No. 0-30-10, §1, 4/5/10)

Sec. 6-59. Acceptance of required land improvements.

Acceptance of land improvements shall comply with the requirements as set forth in Appendix B Subdivisions, Site Development and Floodplain Regulations, Article IX. (Ord. No. 0-30-10, §1, 4/5/10)

Secs. 6-60--6-69. Reserved.

ARTICLE VI. NONCONFORMING BUILDINGS AND STRUCTURES*

*Cross reference(s)--See also, App. C, §§ 41.01--41.03.

Sec. 6-70. "Nonconforming building or structure" defined.

A "nonconforming building or structure" shall mean a building or structure designed, constructed or intended for a use not permitted in the district in which it is located. (Ord. No. O-116-77, § 1, 11-14-77)

Sec. 6-71. Acquisition of nonconforming buildings and structures.

(a) The Village of Palatine, at any time, and from time to time, by ordinance duly enacted and in accordance with the authority vested in it by law:

- (1) May acquire by purchase, condemnation, or otherwise any nonconforming buildings or structures;
- (2) May remove or demolish all such nonconforming buildings or structures so acquired;
- (3) May hold and use any remaining property for public purposes; and
- (4) May sell, lease, or exchange such property as is not required for public purposes, subject to the provisions of this article or any amendment thereto.

(b) No such acquisition by condemnation shall be made until the plan commission, at the request of the president and board of trustees of the Village of Palatine, or upon its own initiative, has made a study of the area within which such nonconforming building or structure is located and has held a public hearing with respect thereto, pursuant to not less than fifteen (15) days' notice by publication in a newspaper of general circulation within the village, and has filed a written report on such study and public hearing with the president and board of trustees. (Ord. No. O-116-77, § 1, 11-14-77)

Secs. 6-72--6-79. Reserved.

ARTICLE VII. CONDOMINIUM CONVERSION

[Editor's note: Article VII was replaced in its entirety by Ordinance 0-100-05, passed on 5/16/05]

Sec. 6-80. Intent.

The Mayor and Village Council of the Village of Palatine, having determined that a substantial number of rental units throughout the village are being converted to condominiums, and that the applicable laws of the State of Illinois are not in themselves adequate to meet certain problems in the village, find that it is necessary and appropriate to regulate the various procedures attending the conversions of rental property so as to guarantee that prospective purchasers are in possession of all information necessary to make a decision to purchase by requiring inspections to protect the public health, safety, welfare and property values, that sellers of condominium units provide reasonable notification and prepare and distribute an engineering report on the property being converted, describing the condition of the building's individual condominium units and common elements and all other information deemed relevant to the buyers of this type of property, as herein enumerated. (Ord. No. O-32-80, § 1, 4-14-80)

Sec. 6-81. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Agent*: Any person, firm, partnership, association, joint venture, corporation or any other entity or combination of entities, who acts for or on behalf of a developer in selling or offering to sell any condominium unit.
- (b) *Blanket encumbrance*: A trust deed, mortgage, judgment or other lien or encumbrance, including an option or contract to sell, or a trust agreement affecting a condominium, including any lien or other encumbrance arising as a result of the imposition of any tax assessment by a public authority.
- (c) *Board of managers*: The board of managers provided and referred to in the Illinois Condominium Property Act.
- (d) *Unit owner*: The person or persons whose estates or interests individually or collectively aggregate fee simple absolute ownership of a unit.
- (e) *Property report*: All that information required by the property report in accordance with section 6-82 of this Code.
- (f) *Closing of the sale*: The operation of transferring legal or equitable ownership of a condominium to the prospective purchaser from the developer through a deed of conveyance.

- (g) *Common elements:*
 - (1) General common elements: Except as otherwise provided in the plat of condominium subdivision, means all portions of the property except the condominium units, including limited common elements unless otherwise specified.
 - (2) Limited common elements: A portion of the common elements so designated in the declaration as being reserved for the use of certain units to the exclusion of other units, including but not limited to balconies, terraces, patios and parking spaces or facilities.
- (h) *Common expenses:* The proposed or actual expenses affecting the property, including reserves, if any, lawfully assessed by the board of managers of the unit owners association.
- (i) *Condominium:* Real estate, portions of which are designated to separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the divided interests in the common elements are vested in the unit owners.
- (j) *Condominium project:* A plan by the developer to sell residential condominium units in a building, through conversion to condominium status.
- (k) *Condominium unit:* A part of the property designed and intended for any type of independent use.
- (l) *Conversion:* The offering for sale by a developer or developer's agent of condominium units that were previously rental units.
- (m) *Co-owners:* A person or persons who own a condominium unit in the condominium project.
- (n) *Developer:* Any person, firm, partnership, association, joint venture or corporation or any other entity or combination of entities or successors thereto who at any time after the effective date of this article undertakes to develop a condominium project by conversion to condominium status.
- (o) *Offering:* Any inducement, solicitation, advertisement, publication or announcement to the general public to encourage a person to acquire a condominium unit in a condominium project.
- (p) *Parcel:* The lot or lots, tract or tracts of land described in the declaration, submitted to the provisions of this article.
- (q) *Person:* A natural person, corporation, partnership, association, trust, other entity, or any combination thereof.
- (r) *Plat of condominium subdivision:* A plat prepared by a duly-licensed surveyor establishing the condominium units, accessory units and common elements.

- (s) *Property*: All the land, property and space comprising the parcel, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto and all fixtures and equipment intended for the mutual use, benefit or enjoyment of the unit owners, submitted to the provisions of this article.
 - (t) *Prospective purchaser*: A person who visits the condominium project site for the purposes of inspection for possible purchase or who requests the property report.
 - (u) *Site*: Any land area on which a part of the condominium is located.
 - (v) *Unit owners association*: The association of all unit owners acting pursuant to the bylaws and through its duly elected board of managers.
- (Ord. No. O-32-80, § 1, 4-14-80)

Sec. 6-82. Procedure.

No developer shall offer rental units for sale as condominium units in any development consisting of more than four (4) units until a property report is available for and delivered to each prospective purchaser no later than ten (10) days prior to closing.

If any changes occur between the date at which the property report is delivered to the purchaser and the closing date, such changes will be void as to that purchaser unless the purchaser has been given written notice of the changes and agrees to take subject to them.

- (a) *Review*: Prior to making the property report available to prospective purchasers, the developer shall submit to the village manager five (5) copies of the report. Within twenty (20) working days after receipt of the report the village manager shall advise the developer whether the report meets the requirements of this article. The developer shall not make the property report available to prospective purchasers until the report meets the requirements of this section 6-82.
- (b) *Fees*:
 - (1) To cover the costs incurred to the village as a result of reviewing the property report, a review fee based on one hundred thirty-five (135) per cent of the rate per hour of the present salary schedule adopted by the village board of those village personnel participating in the review process, shall be paid to the village clerk.
 - (2) At the time of filing the property report, the fees (which shall be in addition to the review fees) shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.
 - (3) Legal fees incurred by the village in its review of all condominium documents required to be filed hereunder.

- (c) *New Construction:* The applicant shall submit a final site plan, showing the intended locations of all buildings and other improvements to the property, prior to any development activity. Designated streets shall also be indicated on the final site plan. The final site plan shall be fully dimensioned. Development plan review and approval procedures, contained herein, are to be followed for the final site plan. Upon approval of the final site plan by the Village Council, it shall be placed on file with the Village Clerk and need not be recorded. Individual condominium plats required under the condominium act of the state shall be submitted to the Director of Planning and Zoning for review. The Director of Planning and Zoning shall review the condominium plat to verify that it is in substantial compliance with the previously approved final site plan. If the condominium plat is found to be in full/substantial compliance with the final site plan approved by the Village Council, this Ordinance, and the Condominium Act of Illinois, the Village Manager or his designee shall issue a letter of approval thereby authorizing the condominium plat to be recorded. The Village shall also record an ordinance notifying the potential owners of the units that the property is subject to this ordinance.
- (d) *Condominium Conversions:* Owners of existing structures who are intending to convert their property to condominium ownership shall submit a final site plan to the Director of Planning and Zoning, showing the intended locations of all buildings and other improvements to the property, prior to any development or conversion activity. Designated streets shall also be indicated on the final site plan. The final site plan shall be fully dimensioned. Development plan review and approval procedures, contained herein, are to be followed for the final site plan. Upon approval of the final site plan by the Village Council, it shall be placed on file with the Village Clerk and need not be recorded. Individual condominium plats required under the condominium act of the state shall be submitted to the Director of Planning and Zoning Department for review. The Village shall review the condominium plat to verify that it is in substantial compliance with the previously approved final site plan. The plat of survey shall be forwarded to the Village Council for review and acceptance. If the condominium plat is found to be in full/substantial compliance with the final site plan approved by the Village Council, this Ordinance, and the Condominium Act of Illinois, the Village Manager or his designee shall issue a letter of approval thereby authorizing the condominium plat to be recorded. Units may not be sold until said plat is accepted by the Village Council. Condominium conversions shall be considered, reviewed and approved according to the same procedural process as a new development and shall be subject to the development requirements detailed in the Village Code of Ordinances. The Village shall also record an ordinance notifying the potential owners of the units that the property is subject to this ordinance.
- (1) No unit in a conversion building shall be sold unless and until, as part of the conversion process, all condominium units and the common areas of the conversion building are inspected by the Village or a licensed inspector acceptable to the Village, at Developers sole expense, for compliance with applicable Village ordinances. No conversion shall be approved by the Village for any unit unless and until all the individual units and the common areas of the conversion building are in compliance with applicable Village ordinances.

- (2) Conversion buildings, must comply with the sprinkler system design and installation requirements of NFPA 13.
 - (3) An automatic fire alarm system shall be installed and maintained fully operational in conversion buildings, in accordance with NFPA 72.
 - a. Exception: Conversion buildings, which have code-compliant exits leading from every condominium unit directly to the outside of the conversion building and to the public way, are not required to install and maintain audiovisual devices and manual pull stations in all common areas.
 - (i) Hardwired smoke detectors in each unit in accordance with Section 7-39 of this code.
 - (ii) Fire alarm systems shall be monitored as provided in Section 7-40.7 of this code.
 - (4) Conversion buildings shall have adequate driveways for access by the fire department, as deemed appropriate by the Fire Chief.
 - (5) Conversion buildings shall comply with the fire prevention code, as set forth in Chapter 7 of this code. In the event that any provision of this section conflicts with the fire prevention code, the provision of this section shall govern.
- (Ord. No. O-32-80, § 1, 4-14-80; Ord. No. O-48-83, § 1(10), 8-8-83)

Sec. 6-83. Property report.

The property report shall be certified by the developer or his agent and shall contain the following:

- (a) A statement indicating the following:
 - (1) The name and address of the developer and legal and beneficial owner of the parcel, including all general partners of a partnership and officers and directors of a corporation.
 - (2) All persons with a direct material financial interest in the property, including interim and permanent mortgage lenders secured by a blanket encumbrance.
 - (3) The principal attorneys, accountants, architect, engineer and contractor for the property.
- (b) A description of the property and improvements, including the following:
 - (1) Map or plat showing size and dimensions of the condominium project, together with all improvements, including recreational facilities, proposed construction and present and planned location of streets and roads. The share of ownership of each unit in the common elements shall be indicated.

- (2) Description of the condominium units offered and the nature and extent of individual ownership in such condominium units, including, to the best of the developer's knowledge, the percentage of former renters who have purchased or contracted to purchase a condominium unit as of the date such property report is delivered to each prospective purchaser. If such units are owned in trust by nominees, the beneficiaries or principals shall be named.
 - (3) In the event that the conversion involves multiple buildings, the Developer shall maintain an umbrella association which will maintain control and be responsible for the maintenance and repair of all common areas.

Description, nature and ownership of all property and facilities on the site which are not part of the condominium shall be provided.
 - (4) Description of all existing and proposed recreational facilities and other such facilities within the condominium project, including the projected dates of their completion, and a description of provisions, or lack thereof, made by the developer for the condominium unit owner's pet.
 - (5) Location, nature and ownership of streets and roads on and contiguous to the site.
 - (6) Drawings, architectural plans and other suitable documents setting forth the necessary information for location, maintenance and repair of all condominium facilities and condition of equipment. Such items shall be incorporated in the property report by reference, shall be located at the sales office site or construction office site and shall be turned over to the board of managers upon transfer of control by the developer.
 - (7) Projected starting and completion dates for proposed construction, renovation or conversion.
 - (8) Use permitted for individual condominium units by the declaration, bylaws of the condominium association or organization and applicable zoning provisions.
 - (9) Statement as to whether or not the condominium units may be rented by the proposed co-owner.
 - (10) Statement of title, listing all restrictions of record and the condition of title.
- (c) Method and timing of transfer of control over the condominium project to the board of managers and the nature and extent of any interest retained by the developer.
- (d) A statement of all financial aspects of the condominium project, including but not limited to:
- (1) Name of construction mortgagor or the interim mortgagor.
 - (2) Institution offering long-term mortgage financing, if available, and terms and conditions of such mortgage.

- (e) Statement disclosing the existence of penalty if the construction, renovation or conversion or completion date is not met and the additional costs to be imposed if such date is not met.
- (f) Nature and extent of any protection of a purchaser if the developer defaults on a blanket encumbrance, unless the developer shall have furnished to the purchaser a non-cancellable bond executed by a surety company authorized to do business in the State of Illinois, which has consented to be sued in this state, indemnifying a prospective purchaser against the loss of the deposit or deposits against payment for the unit (earnest money) except by reason of the purchaser's default. If the developer has made no such arrangement, the following statement must be inserted, in a type size and style equal to at least ten point bold type:

THE DEVELOPER HAS MADE NO ARRANGEMENTS TO PROTECT THE PURCHASER OF A CONDOMINIUM UNIT FROM ITS POSSIBLE DEFAULT ON A BLANKET ENCUMBRANCE. ACCORDINGLY, THERE IS A RISK OF LOSING YOUR FINANCIAL INTEREST IN THE EVENT OF THE DEVELOPER'S FAILURE OR BANKRUPTCY.

- (g) Statement of any pending litigation which would affect the property, the condominium or the developer's ability to convey clear title.
- (h) Statement of the current taxes and estimated possible changes in the tax situation of the condominium project which buyers may encounter during the first two (2) years.
- (i) Copies of the sales documents and literature, including but not limited to:
 - (1) Basic purchase contract form being used or proposed for use by developer.
 - (2) Forms of conveyance.
 - (3) Deed of trust, mortgage and promissory note.
 - (4) Statement of sales prices, terms and options.
 - (5) Statement of terms and conditions of sale, including estimated closing and settlement costs, taxes and expected special assessments levied either by the condominium or a governmental entity.
 - (6) Statement of monthly payments to be itemized as to principal, interest, taxes, utilities and all other payments for a period of one year from the expected date of closing of the sale.
- (j) Summary of past operating history of the project.
- (k) Copies of all the following required documents numbered and indexed in such a manner as the developer may select, so as to permit ready reference thereto:

PALATINE CODE OF ORDINANCES - CHAPTER 6- BUILDING CODES AND REGULATIONS

- (1) The declaration and plat.
 - (2) The articles of incorporation or charter of the condominium association.
 - (3) The bylaws and regulations of the condominium association.
 - (4) Any leases of real or personal property applicable to the condominium of more than one-year duration.
 - (5) Any management contract, employment contract, insurance policy or other contract affecting the use, maintenance or access to all or part of the condominium of more than one-year duration.
 - (6) Coverage and amounts of condominium insurance policies.
- (l) A statement of management and expected operation costs of condominium, including:
- (1) Name and address of management agent, if any, and the services the agent will perform.
 - (2) Length of term of any management contract and charges and circumstances, if any, under which the charges may be increased.
 - (3) The conditions, if any, under which the contract may be cancelled or terminated.
 - (4) Statement disclosing any contractual, financial or common ownership relationship between the developer and the management firm and their respective corporate officers and controlling interests.
- (m) Copy of estimated operating budget, prepared by a certified public accountant for the condominium project, projected for a period of one year from the expected date that control of the condominium project would pass to the board of managers, to include monthly payments to be pro rated to each condominium unit for maintenance and/or management of condominium property and charges for use of recreational and other facilities. In particular, the operating budget shall include, but not be limited to, the following:
- (1) Operation costs:
 - Utilities;
 - Heating fuels;
 - Janitorial services;
 - Trash and garbage disposal;
 - Ground and building maintenance;
 - Security;
 - Maintenance and operation of recreational and other facilities;
 - Building insurance;
 - Elevator maintenance;
 - Sidewalks and street maintenance;
 - Other operating costs.

(2) Management costs:

Legal and accounting services;
Bookkeeping services;
Management fees.

(3) Reserve costs:

Reserve for improvements;
Reserve for unexpected repair work;
Reserve for replacement and upkeep of common elements and facilities, including basis upon which reserves are calculated.

If no reserve is provided for any one or more of the costs listed in this item, the following statement must be inserted in the property report in a type size and style equal to at least ten point bold type:

THE DEVELOPER HAS NOT PROVIDED A RESERVE FOR CERTAIN POSSIBLE FUTURE COSTS ON THE CONDOMINIUM IN HIS BUDGET. ACCORDINGLY, IT MAY BE NECESSARY TO PROVIDE FOR A SPECIAL ASSESSMENT TO ALL CONDOMINIUM UNIT OWNERS TO PAY FOR SUCH COSTS SHOULD THEY OCCUR.

- (n) Alternative provisions if an insufficient number of units are sold to cover the proposed operations and maintenance budget.
- (o) In the case of a conversion from rental or other legal status to condominiums, a report from a qualifying licensed structural engineer or registered architect, not associated with the developer/builder, stating his opinion concerning the condition and the rated life and expected useful life of the roof, foundation, external elements and all other common facilities, the results of inspections required under 6-82(C) and (D), together with an estimate of repair and replacement costs, at current market prices, which shall indicate what the cost per category of unit would be if the unit owners were assessed for the estimated cost. This report shall include the approximate dates of installation of the facilities listed above, and the dates of major repairs to such facilities. There shall also be attached a list of suspected violations of the Palatine Code of Municipal Ordinances and as received from the Community Services Department of the Village of Palatine in the five year period preceding the date of the Property Report, or, if no notice of such violations has been received, the report shall so state.
- (p) If there are any restrictions upon the free sale, transfer, conveyance, encumbrance or leasing of a unit, then a statement in bold face type or capital letters in substantially the following form shall be included: **THE SALE, LEASE OR TRANSFER OF YOUR UNIT IS RESTRICTED OR CONTROLLED.** Immediately following this statement, there shall appear a reference to the documents, articles, paragraphs or pages in the disclosure materials where the restriction, limitation or control on the sale, lease or transfer of units is set forth or described in detail.

- (q) Each property report shall contain on the first page the following warning in capital letters, in a type size and style equal to at least ten point bold type:

VILLAGE OF PALATINE LAW SPECIFICALLY PROHIBITS ANY REPRESENTATION TO THE EFFECT THAT THE VILLAGE HAS PASSED UPON THE MERITS OF OR GIVEN APPROVAL TO MAKE OR CAUSE TO BE MADE TO ANY PROSPECTIVE PURCHASER ANY REPRESENTATIONS WHICH DIFFER FROM THE STATEMENTS IN THIS PROPERTY REPORT. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER AND ARE NOT BINDING ON THE DEVELOPER. REFER TO THE PROPERTY REPORT FOR CORRECT REPRESENTATIONS.

- (r) A statement indicating that "in the event the Association fails to repair, maintain or replace common elements, the Village shall have the right to repair, maintain or replace any said common elements and charge the cost thereof back to the Association and the unit owners, jointly and severally. In addition, the Village shall have the right to place a lien upon the units and common elements in the event that the Association fails to pay or reimburse the Village for the costs expended by the Village. In addition, the Village shall have the right to collect its attorneys fees incurred and enforce the terms and conditions of this Declaration as well as charge interest on the monies advanced by the Village at a rate of eighteen percent (18%) per annum from the date incurred until the date paid".

"The Village is hereby granted the right to enter upon the property to complete for all lawful purposes including, but not limited to the ability to complete the maintenance, repair and replacement of the common elements as provided above".

These statements shall be added to the Condominium Declaration and the provision shall not be amended without Village approval.

- (s) The Declaration shall provide that all amendments or modifications require the prior written consent of the Village.
- (t) The Declaration shall provide that in the event that the Village of Palatine files an action against a unit owner or the Association for the costs and expense that the Village has incurred to complete any maintenance work on the property that the Village shall have the right to collect its reasonable attorneys fees and costs in collection of said amount.
- (u) A senior executive officer of the developer shall sign the property report and affirm that it and any supplements, modifications and amendments are true, full, complete and correct.
- (Ord. No. O-32-80, §1, 4-14-80)

Sec. 6-84. Condominium association.

(a) Three (3) copies of the proposed documents relating to the formation and organization of any condominium owners' association or similar organization which will be responsible for the maintenance and general care of common areas shall be submitted to the Village Manager for review with the property report. Upon review of the document the Village Manager shall either approve, approve with modifications, or disapprove the condominium association document.

(b) The condominium association document shall include, but shall not be limited to the following:

(1) Access easement to the Village of Palatine to maintain and repair streets, curbs, gutters and sewer and water lines in those areas outside of the buildings, which are designated for common ownership together with lien rights in the village covering costs incurred in such maintenance and repair.

(2) Each unit owner shall be a member of the condominium association.
(Ord. No. O-32-80, §1, 4-14-80)

Sec. 6-85. Transfer of control.

Control over the condominium project shall be transferred from the developer to the board of managers, pursuant to the Illinois Condominium Property Act no later than sixty (60) days after the conveyance by the developer of seventy-five (75) per cent of the units or three (3) years after the recording of the declaration, whichever is earlier. (Ord. No. O-32-80, §1, 4-14-80)

Sec. 6-86. Parking facilities.

No developer shall record a declaration of condominium or plat of condominium subdivision unless parking facilities are in accordance with Village Code on or within the property are included as a part of the property's common elements, with the temporary use of individual parking spaces being assigned to condominium unit owners. (Ord. No. O-32-80, §1, 4-14-80)

Sec. 6-87. Management contracts.

It shall be unlawful for developers to enter into a lease of common elements, including exclusive service contracts relating to the condominium, which expire later than one year from the date on which the board of managers assumes control of the condominium. (Ord. No. O-32-80, § 1, 4-14-80)

Sec. 6-88. Notice requirements.

(a) No less than thirty (30) days, nor more than one year prior to recording the declaration, pursuant to the Illinois Condominium Property Act, the developer shall provide:

- (1) Written notice to each tenant of the building, specifying intention to convert, the date on which the conversion will commence, and whether the tenancy will be renewed or terminated upon its expiration.
- (2) An acknowledged certificate attached to and made a part of the declaration which provides that the developer has given notice of intent as described in subparagraph (a)(1) of this section.

(b) The developer shall be required to automatically extend the lease of any tenant which is due to expire during the notification period to the end of the full one-hundred-twenty-day period of notification.

(c) The tenant upon receiving the notice of intent may terminate the lease at any time; however, the tenant must provide the developer with thirty (30) days' advance notice that the tenant has terminated the lease.

(d) With regard to the right of first refusal:

- (1) Each tenant will have the option to purchase his premises for a period of one hundred twenty (120) days from the notice of conversion required, on the same terms or better than the premises will be offered to the general public.
- (2) In the event that a discount is offered by the developer, the tenant shall be allowed to purchase his premises at a discount for a period of forty-five (45) days following notification of conversion and on the same or more favorable terms at which the premises will be offered to the general public for the remaining seventy-five (75) days of the notification period.

(e) Notwithstanding lease provisions to the contrary, the tenant's premises will not be shown to prospective purchasers without the tenant's permission, unless the lease provides for showing, until the expiration of the tenant's option to purchase or ninety (90) days prior to the end of the term of the tenant's lease, whichever is later. (Ord. No. O-32-80, §1, 4-14-80; Ord. No. 0-24-95 §1, 3-27-95)

Sec. 6-89. Enforcement.

It shall be the responsibility of a developer or his agent to provide all information herein required by this article to each prospective purchaser of a condominium unit directly. The provisions of this article shall be enforced by the Village Manager or his designee. (Ord. No. O-32-80, §1, 4-14-80)

Sec. 6-89A. Condominium De-Conversion.

It shall be unlawful for any party to de-convert a condominium property pursuant to the terms of the Illinois Condominium Property Act or any other applicable statute, without first having received prior approval of a de-conversion plan by the Village Council. Said de-conversion plan shall include, but not be limited to, a property report identifying any outstanding code violations on the property and a plan for bringing those violations into compliance and such other information as may be deemed reasonable and

necessary by the Village Manager or his designate. Any de-conversion that is completed without Village approval is nullity and of no force and effect.

(a) Fees:

- (1) To cover the costs incurred to the Village as a result of reviewing the property report, a review fee based on one hundred thirty-five (135) per cent of the rate per hour of the present salary schedule adopted by the Village Council of those Village personnel participating in the review process, shall be paid to the Village Clerk.
- (2) At the time of filing the property report, the fees (which shall be in addition to the review fees) shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.
- (3) Legal fees incurred by the Village in its review and implementation of all condominium de-conversion documents required to be filed hereunder.

(Ord. O-122-17, 12-04-17)

Sec. 6-90. Penalties.

Any person found guilty of violating, or refusing to comply with any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500.00) for the first offense, and not less than seven hundred and fifty dollars (\$750.00) for the second and each subsequent offense in any one-hundred-eighty-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (735ILCS5/1-101, et seq.). Repeated offenses in excess of three (3) within any one-hundred-eighty-day period may be also punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six (6) months under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code (705ILCS105/1, 705ILCS105/1.1) under the provisions of the Illinois Code of Criminal Procedure (725ILCS5/101-1) in a separate proceeding. Each false or misleading statement of fact or omission of fact or each sale of a condominium unit made in violation of the provisions of the article shall be considered a separate offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation. Nothing herein shall be construed to preclude the revocation of any license for violation of any other provision of this Code. Where violation of this article is found as a matter of law, attorneys' fees are to be automatically awarded to the village. (Ord. No. O-32-80, § 1, 4-14-80; Ord. No. 0-5-98, □8, 1-26-98)

Sec. 6-91. Severability.

If any provision, clause, sentence, paragraph, section or part of this article or application thereof to any person or circumstance shall, for any reason, be adjudged to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this article and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency or circumstances involved. It is hereby declared to be the legislative intent of the Mayor and Village Council of the Village of Palatine that this article would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included. (Ord. No. O-32-80, § 1, 4-14-80)

ARTICLE VIII. ENFORCEMENT AND PENALTIES

Sec. 6-92. Stop work order

(a) It shall be unlawful for any owner, agent, contractor, subcontractor or builder engaged in developing property pursuant to a permit issued by the Village to make any departure from or violate:

- (i) Any ordinance or code of the Village;
- (ii) Any conditions attached to a special use ordinance, planned unit development ordinance, variation, or annexation agreement;
- (iii) Any federal, state or other local law or ordinance;
- (iv) Commit any fraud or make any misrepresentation or false statement in an application for a license or permit; or
- (v) Cause a nuisance or danger to the public health, safety or welfare.

Any such departure from or violation of such ordinance, code, condition or threat to the public welfare or law shall operate to void the permit which has been issued for such work.

(b) The Manager, without delay, shall issue a stop work order directing that all persons engaged in the work permitted under the permit shall cease and desist immediately until such time as the Manager has either received satisfactory evidence that the work to be performed will be done in accordance with such ordinance, codes, conditions, laws or the public welfare until the Corporate Authorities have acted on the matter pursuant to either paragraph (c) or (d).

(c) The Manager may refer the matter of continuing the stop work order to the Corporate Authorities for further proceedings. The Corporate Authorities shall have the authority to:

- (i) Continue in effect the stop work order;
- (ii) Lift the stop work order;
- (iii) Impose additional requirements as conditions to lifting the stop work order; and/or
- (iv) Any other relief consistent with the public welfare.

- (d) Any person aggrieved by the decision of the Manager in regard to the issuance of a stop work order or refusal to rescind the same shall have the right to appeal to the Corporate Authorities. Such appeal shall be taken by filing with the Manager, within five days after receipt of a stop work order or after the Manager's refusal to rescind such an order, a written statement under oath setting forth specifically the grounds for appeal. The Corporate Authorities shall appoint a hearing body to be composed of the Mayor or the Mayor's designee and two Council Members who shall thereupon set the time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant. The hearing body shall make a recommendation to the Corporate Authorities which shall render a decision on such appeal which shall be final. Any appeal from a decision of the Corporate Authorities shall be made directly to the Circuit Court of Cook County pursuant to the Administrative Review Act (735 ILCS 5/3-101, *et seq.*).
- (e) All costs and expenses including but not limited to court reporters fees and attorneys' fees incurred by the Village in connection with any appeal of a stop work order shall be taxed to the appellant and shall be paid by the appellant as a condition to reinstatement of the permit.
- (f) The authority to issue a stop work order shall be in addition to any other relief available to the Village.

6-93. Penalties

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues.