

CHAPTER 150: BUILDING REGULATIONS

Section

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ARTICLE I: BUILDING REGULATIONS

§150.01: ADMINISTRATION:

- (A) Port Barrington Building Regulations. The regulations set forth in this Chapter shall be known as the “Port Barrington Building Regulations”.
- (B) Referenced Standards and Codes. The standards and codes referenced in this Chapter shall be considered part of the Port Barrington Building Regulations to the prescribed extent of each such reference. Where differences occur between provisions of the Port Barrington Building Regulations and referenced standards and codes, the provisions of the Port Barrington Building Regulations shall control.
- (C) Code Application. The provisions of the Port Barrington Building Regulations shall apply to all matters relating to the construction, repair, replacement and/or removal of all structures, including but not limited to, signs, swimming pools, and fences.
- (D) Building Department. The Building Department is hereby created and the person in charge thereof shall be known as the Building Inspector. That person may be an employee of the Village or may be an independent contractor providing services to the Village through a contract between the Village and the person or their firm.

- (E) Building Inspector; Zoning Officer. The Building Inspector shall be appointed by the Village President with the advice and consent of the Board of Trustees. The President, with the advice and consent of the Board of Trustees, may remove the Building Inspector from office at any time. The Building Inspector shall act as the Zoning enforcement officer of the Village. The Building Inspector is sometimes referred to in this Chapter as the “Building and Zoning Official”.
- (F) Duties of Building Inspector. The duties of the Building Inspector shall include:
- (1) The enforcement of all ordinances and codes of the Village relating to the construction, repair, alteration, addition, and removal of all buildings and structures, swimming pools, fences, and signs.
 - (2) The enforcement of all zoning and land use ordinances of the Village, and for this purpose, the Building Inspector shall act as the Zoning enforcement officer of the Village.
 - (3) Provision of technical assistance to the Village Board, Plan Commission, and Zoning Board of Appeals on matters of this Code and zoning matters.
 - (4) The conducting of inspections to insure compliance with the Port Barrington Building Regulations.
 - (5) The receiving and processing of building permit applications.
 - (6) The issuance of building permits for the construction, repair, alteration, addition, or removal of all buildings and structures, swimming pools, fences and signs.
 - (7) The issuance of occupancy certificates.
 - (8) The conducting of inspections of existing buildings to insure compliance with applicable provisions of the Port Barrington Building Regulations.
 - (9) The conducting of inspections as provided for in the business license regulations.
 - (10) The issuance of stop work orders as provided for in this Chapter and/or as necessary to enforce the other provisions of this Code.
- (G) Stop Work Orders. Stop Work Orders may be issued by the Building Inspector with respect to any construction or work when violations of the Port Barrington Building Regulations or the Port Barrington Code of Ordinances occur. Work shall not be continued until written permission for such resumption is issued by the Building Inspector and a Stop Work Order fee, if any, has been paid to the Village by the person or entity to whom the Stop Work Order was issued. If the Stop Work Order is an oral order, such oral order will be followed by the issuance of a written Stop Work Order setting forth the terms, conditions, provisions, and restrictions of the oral order, which written Stop Work Order shall be issued and posted on the affected site or sites within 72 hours of issuance of the oral order, or as soon thereafter as is practical. Any person who violates a Stop Work Order shall be in violation of the Port Barrington Code of Ordinances and subject to revocation of their permit and other Village remedies provided therein.
- (H) Appeals. Any person who wishes to appeal any Order, decision, or the interpretation by the Building Inspector of the Port Barrington Building Regulations as established from time to time in

this Chapter shall, within 45 days of the issuance of such Order, decision, and/or interpretation, file a written appeal with the Village of Port Barrington Zoning Board of Appeals, which shall hold a public hearing on such appeal and may affirm, overrule, or modify the decision of the Building Inspector.

- (I) Violation; Penalties. Any person who shall violate a provision of the Port Barrington Building Regulations shall be subject to the penalties as set forth in Section 150.99 of this Chapter.

(Ord. 2013-8-1-A, passed 12/18/13)

§150.02: BUILDING PERMITS AND FEES:

(A) Required Permits.

- (1) A building permit is required:
 - (a) For the construction, alteration, addition, repair, removal, demolition or restoration of any building or structure or its service equipment.
 - (b) For the erection or alteration of any sign as provided for in Chapter 154.
 - (c) For the construction, alteration, or addition to any fence.
 - (d) For the construction of any accessory building, structure, or any work in conjunction with accessory uses to include swimming pools, outdoor hot tubs and whirlpools, detached buildings, garages, car ports, sheds, decks, patios, satellite antennae, radio towers, landscape terraces, ponds and similar improvements.
 - (e) For the installation, modification, and/or replacement of windows and/or exterior doors.
- (2) A building permit is not required for ordinary repairs and/or maintenance of any of the improvements described in subsection (A)(1) of this Section.

(B) Certificate of Occupancy.

- (1) A Certificate of Occupancy is required prior to occupying or using any premises, or any portion thereof, for which a building permit has been issued. A Certificate of Occupancy shall only be issued for a premises, or any portion thereof, after inspection and approval thereof by the Building Inspector, including but not limited to, an inspection of any work performed on such premises.
- (2) A Temporary Certificate of Occupancy may be issued in the discretion of the Building and Zoning Official when a premises is substantially completed, all life safety and sanitary requirements are complete, and the premises are fit for the purpose constructed.
- (3) Minor construction items, final grading and landscaping, and other site improvements may be completed under the terms of a Temporary Occupancy Certificate which shall specify a date by which such completion must occur and on which the Temporary Certificate of Occupancy

shall expire. Following completion of these items, a final Certificate of Occupancy shall be issued. Failure to complete the items set forth on the Temporary Certificate of Occupancy by its date of expiration shall mean that continued occupancy of the premises is unlawful.

- (4) Road and performance bonds shall not be returned until a final Certificate of Occupancy has been issued.
- (5) If it is determined by the Building Inspector that an increase in the performance bond is necessary prior to issuance of a Temporary Occupancy Certificate, the Building Inspector shall determine the amount of that increase subject to approval by the Village Boards. The permittee shall be required to post the additional amount with the Village prior to obtaining the Temporary Occupancy Certificate.
- (6) A fee as specified in Section 150.05 shall be required for obtaining a Temporary Occupancy Certificate.
- (7) Prior to occupancy, the permittee shall obtain an “unexecuted Certificate of Occupancy” from the Building Inspector which shall be filed by the permittee with the applicable local assessor’s office for execution. The permittee shall provide to the Village a copy of the receipt of filing with the applicable local assessor’s office.
- (8) It shall be unlawful to occupy a building, or any portion thereof, for which a building permit has been issued prior to obtaining a Certificate of Occupancy.
- (9) Notwithstanding any of the provisions of Paragraph (B) of this Section to the contrary, in lieu of a Certificate of Occupancy, the Building Inspector may issue a Certificate of Completion in substantially the following form:

“CERTIFICATE OF COMPLETION

VILLAGE OF PORT BARRINGTON
69 South Circle Avenue
Port Barrington, IL 60010
(847) 639-0498

Date of Issuance: _____ Permit No. _____ P.I.N. _____
Property Owner: _____
Address: _____
Contractor: _____
Project: _____
Project Address: _____

This is to certify that the project described above has received a final inspection and appears to be in compliance with the approved plans and specifications provided by the owner at the time of permit application and in substantial compliance with the minimum standards required by the codes adopted by the Village of Port Barrington

This certificate does not address esthetic and/or finished items of design or material selection including workmanship which are solely the responsibility of

the owner and the contractor to meet the standards of the contract documents between owner and contractor.”

(C) Permit Application and Process.

- (1) Applications for building permits shall be made to the Building Inspector on application forms provided by the Village Administrator. The completed application form shall be submitted to the Village together with any submittals required by the Building Inspector, including but not limited to the following documents, where applicable:
 - (a) Two (2) copies of plans and specifications detailing all work proposed to be done, signed and sealed by an architect registered to practice in Illinois.
 - (b) Two (2) copies of the site plan showing existing and proposed topography, location of all existing and proposed improvements, location of all drainage and stormwater structures, ponds, channels, swales, lakes, wetland, location of all utilities, and the location of all well and septic systems on, or proposed to be constructed on, the property or within at least 75 feet of all boundaries of the property.
 - (c) Two (2) copies of the Individual Septic Disposal System (“ISD”) permit from the County Health Department, including the soil letter and field notes.
 - (d) Two (2) copies of existing septic system plans and specifications or three (3) copies of proposed septic layout approved by the County Health Department.
 - (e) Two (2) copies of the plat of survey with the legal description of the parcel, showing the lot dimensions, total area, easements, and all building setback lines required by the Village’s Zoning Code, Chapter 154 of the Port Barrington Code of Ordinances.
 - (f) A nonrefundable application fee shall be required to be paid to the Village at the time application is submitted to the Village for new building construction in excess of a \$10,000 estimated cost as specified in Section 150.05. A nonrefundable fee shall be required to be paid to the Village at the time application is submitted to the Village for all other construction as specified in Section 150.05.
- (2) The permit application and subsequent additional submittals shall be reviewed by the Building Inspector after the Village’s receipt of the application, all required submittals, and all related fees to be paid to the Village.
- (3) Following notification to the applicant of permit approval, the applicant shall be required to pay all applicable fees to the Village within three (3) months of said notification to the applicant of permit approval or the application shall become null and void. Any deposits received by the Village in connection with such application shall first be used to reimburse the Village for any costs incurred by the Village in connection with processing the application.
- (4) Prior to permit review and issuance, where the construction of an ISD is included, the Building Inspector must receive an ISD plan stamped with the approval of the Village Health Officer.
- (5) After payment of all required fees to the Village, and after the Village’s approval of the application and all required submittals, the Building Inspector shall issue the permit. The permit placard is to be placed on the premises in a conspicuous exterior location protected from the weather. It is to remain in place while work covered by the permit is performed on the property until a Certificate of Occupancy is issued.

- (6) Work on small projects where construction costs will be \$10,000.00 or less (as estimated by the Building Inspector), and which are covered by a permit must commence within sixty (60) days of the Village's issuance of the respective permit and must be completed within six (6) months of permit issuance. Major projects where construction costs will be in excess of \$10,000.00 (as estimated by the Building Inspector), which are covered by a permit must commence within six (6) months of the Village's issuance of the respective permit and must be completed within twenty-four months of permit issuance. A permit for a major project may be extended up to an additional twelve (12) months, but only with the approval of the Board of Trustees and the payment to the Village of a permit renewal fee as specified in Section 150.05.
- (D) Building Permit Fees and Other Charges. The building permit fees and other charges shall be established from time to time by the Board of Trustees, which shall be as set forth in Section 150.05 of this Code.
- (E) Zoning Amendment, Special Use, Planned Development, and Variation Fees:
 - (1) Each application for an amendment, special use or variation filed by or on behalf of the owner or owners of property affected shall be accompanied by payment of a nonrefundable filing fee and one or more deposit(s) into an escrow held by the Village as required by Chapter 37 of this Code, "Reimbursement for Professional Fees and Other Expenses," of Title III, "Administration".
 - (2) For an application requiring consideration under more than one of the above categories, a filing fee shall be required, equivalent to the sum of the applicable categories.

(Ord. 2013-8-1-A, passed 12/18/13)

§150.03: BUILDING REGULATIONS ADOPTED:

- (A) Building Codes:
 - (1) Adoption of Building Codes:
 - (a) The 2012 International Building Code, with any International Code Council ("ICC") amendments, which shall be referred to in this Village Code as the "2012 Building Code", a copy of which was on file in the office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code.
 - (b) The 2012 International Residential Code, with any ICC amendments, which shall be referred to in this Village Code as the "2012 Residential Code", a copy of which was on file in the office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code.

(2) Amendments and Additions to Building Codes: The following amendments and/or additions to the 2012 Building Code and/or the 2012 Residential Code are hereby adopted and made part of this title and shall prevail and govern over any related provisions of said codes:

(a) Foundations.

- (i) The minimum footing dimension shall be eight inches (8") by eighteen inches (18"). The minimum wall dimension shall be eight inches (8") supporting frame construction, ten inches (10") supporting brick veneer or masonry construction. All walls over nine feet (9') shall be minimum ten inches (10").
- (ii) Where approved by the Building Inspector, trench foundations are permitted; such foundations shall be based upon engineering calculations approved by the Building Inspector.

(b) Frame Construction:

- (i) Roof sheathing shall be minimum one-half inch CDX where supported on 16-inch centers and 5/8-inch CDX where supported on 24-inch centers.
- (ii) All floor joists shall be minimum two inches (2") by eight inches (8").

(c) Construction Refuse: There shall be no overnight on-site storage of any construction debris. The site must be kept in a clean and orderly manner and kept in such a manner so as to avoid the blowing of construction debris around the area.

(d) Temporary Sanitary Facility: The permittee and the owner of each lot on which a new structure is being constructed, or on other construction sites as may be deemed necessary by the Building Inspector, shall provide a temporary toilet facility on site. The facility shall be kept in a sanitary and orderly manner.

(e) Accessory Buildings, Structures, and Uses:

- (i) Any accessory building shall be at least ten feet (10') from the main or principal building on any lot or parcel.
- (ii) Except as otherwise provided in this Paragraph (e), no more than two (2) accessory buildings shall be constructed or maintained on any lot or parcel, and said accessory building(s) shall comply with the following standards:
 - (1) Not more than one (1) of such accessory building(s) shall be permitted to have a maximum gross floor area of six hundred twenty-four (624) square feet and a maximum height of twenty feet (20').
 - (2) Not more than one (1) of such accessory building(s) shall be used as and/or intended for use as a shed, and such shed shall not exceed one hundred twenty (120) square feet in gross floor area and shall not exceed ten feet (10') in height.
 - (3) Notwithstanding the other restrictions of this Paragraph (e), not more than one (1) garage, whether detached or attached to another structure, shall hereafter be constructed on any residential lot or parcel within the Village.
- (iii) It shall be unlawful to build any garage, shed, pier, or other accessory building, accessory structure, or accessory use on any lot or parcel prior to the completion and occupancy of the main or principal building thereon.

- (iv) No accessory building, accessory structure, or accessory use may be occupied or used on any lot or parcel prior to the completion and occupancy of the main or principal building, structure, or use thereon.
- (v) No accessory building, accessory structure, or accessory use may be used (i.e., occupied) for any residential purposes.
- (vi) No garage, shed, pier, or other accessory building, accessory structure, or accessory use shall be established on a lot or parcel which cannot otherwise be built upon or developed pursuant to the other applicable provisions of this Code of Ordinances.
- (vii) For the purposes of this Section, an unattached garage shall be considered an accessory building and shall be subject to the maximum gross floor area limitation and maximum height limitation of this Paragraph (e).
- (viii) Any accessory building with a gross floor area larger than one hundred twenty (120) square feet shall be constructed with conventional (Western) framing, shall not utilize “pole building” construction, and shall not use metal siding on the exterior of any such building.
- (ix) Metal roofs may be permitted if and when standard framing methods are properly utilized and the plans for same shall be submitted to the Building Inspector in advance and reviewed on a project-by-project basis to determine and confirm their compliance with standard framing methods.
- (x) For the purposes of this subparagraph (e), the term “lot” or “parcel” shall include one or more contiguous lots or parcels or portions thereof held in common ownership or unified control.

(Ord. 2013-8-1-A, passed 12/18/13; Amd. Ord. 2014-8-3-A, passed 07/16/14; Amd. Ord. 2015-02-01, passed 02/04/15; Amd. Ord. 2017-10-18-1, passed 10/18/17)

(f) Point of Discharge.

- (i) The point of discharge (i.e., the release at or above grade) of any sump pump drain, downspout drain or any other conduit, pipe, impervious surface, or drain not connected to a septic system or to a sprinkler system which channels, collects or conveys water related to any structure or improvement shall be set back at a minimum of not less than fifteen feet (15’) from any property line of the lot or parcel on which the structure or improvement is located unless an alternative point of discharge is otherwise approved in writing by the Village Engineer.
- (ii) Any connection, and the manner of such connection, of any conduit, pipe, impervious surface, or drain connected directly to a storm sewer within a public right of way (or within a right-of-way offered for public dedication) or within a recorded drainage easement shall be approved in advance in writing by the Village Engineer.
- (iii) Every sump drain, downspout drain or any other conduit, pipe, impervious surface, or drain not connected to a septic system or to a sprinkler system which temporarily, occasionally, periodically, or permanently channels, collects or conveys unpolluted water related to any structure or improvement shall be connected to a storm sewer which is within a public right of way (or within a right-of-way offered for public dedication) or within a recorded drainage easement if such a storm sewer exists within seventy-five feet (75’) of such improvement or structure, such connection shall be approved in advance by the Village Engineer.

- (g) Point of Use Private Water Treatment System Required: Each residential or non-residential building hereafter constructed in the Village which building is or shall be served by a private well for its potable water supply shall also be equipped with a separate point of use water treatment system, which system shall, at a minimum, be designed, installed, and of a sufficient capacity to serve and treat the entire potable water supply for said building and which system shall consist of reverse osmosis, carbon filtration, and either chlorination or ultra-violet radiation treatment of the entire potable water supply for said building, or such other water treatment system approved in advance in writing by the Village's engineer.

(Ord. 2016-02-01, passed 02/17/2016)

- (h) Shallow Aquifers to be Avoided for Private Wells: Each new private well hereafter installed in the Village and each existing well in the Village where the depth of the well casing must be lowered, shall be placed in an aquifer other than and below the shallowest aquifer present on the subject property, provided, however, the restriction provided by this sub-paragraph (h) shall not apply to a private well used exclusively to monitor and/or improve water quality by a person or firm determined by the Village Engineer, or other consultant designated by the Village President, to be qualified to perform such monitoring and/or such treatment, which well shall not be used for a potable water supply.

(Ord. 2016-02-01, passed 02/17/2016; Amd. Ord. 2018-04-01, passed 04/18/2018)

- (3) Amendments and Additions to the 2012 Building Code: The following amendments and/or additions to the 2012 International Building Code are hereby adopted and made part of this title and shall prevail and govern over any related provisions of said codes:

- (a) A new section, Section 105.8, Unique Construction, is hereby added, which shall read as follows:

105.8 Unique Construction. When a project has unique features, unusual construction sequences or out of the ordinary construction techniques, the Building and Zoning Official shall have the authority to require additional documentation to determine compliance with this Village Code. The Building Inspector, in his sole discretion, is authorized to and may also determine that payment to the Village of fee(s) in addition to the required building permit fee(s) may be required to reimburse the Village for any additional inspections that may be necessary beyond those normally requested by the Building Inspector or to cover the cost of specialized inspections or inspections conducted by persons, firms, or corporations otherwise engaged by the Village or testing agencies.

- (b) A new section, Section 107.2.5.2, Compliance with Site Plan, is hereby added, which shall read as follows:

107.2.5.2 Compliance with Site Plan: It shall be the responsibility of the builder/developer to submit to the Village of Port Barrington a spot survey prepared by a Registered Land Surveyor after the foundation is installed when requested by the Building Inspector. This survey shall be at a scale of not less than one inch equal to thirty feet (1"=30'). The survey shall indicate the elevation above sea level of the top of the foundation wall and the top of the curb and sidewalk at lot lines extended relative to

a United States Geological Survey benchmark. It shall show the location of the foundation on site with the dimensions indicated from all lot lines. No construction will be allowed to proceed except for underground water and sewer, and related items until the spot survey requested by the Building Inspector is approved by the Building and Zoning Official. In the event that such plat is not filed within fifteen (15) days after such foundation is completed, all further work shall cease until such plat is filed; if further work has been completed, no occupancy certificate shall be issued until such plat is filed.

- (c) Section 109.1 Payment of Fees: The following shall be added:

“Schedule of Building Permit Fees and Charges” shall be as set forth from time to time in Section 150.05 of this Chapter.

- (d) Section 113, Board of Appeals: The following new Section 113.0, “Means of Appeal”, is hereby added to Section 113, and shall read as follows:

“113.0, Means of Appeal: See Section 150.01 H of this Chapter.”

- (e) Section 114.4 Violation Penalties: The following language is hereby added:

“The penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.”

- (f) Section 406.3.4, Separation: This Section is amended to change all references to “½ inch” gypsum board to “5/8-inch” gypsum board.

- (g) A new Section 406.3.6, Gas Curbs, is hereby added and shall read as follows:

“406.3.6 Gas Curbs: Minimum 4-inch high gas curbs shall be provided in all attached garages on each side where the garage is adjacent to the residence in order to separate the house from the garage.”

- (h) Table 601, Fire-Resistance Rating Requirements for Building Elements (Hours): The following provision relative to tenant separations, shall be added to Table 601:

“Tenant Separations: All structures utilized as, constructed for the purpose of, and/or converted to a multi-tenant dwelling shall be constructed and maintained in such a manner and with materials that shall provide a minimum of a one-hour fire-resistance separation (vertically and horizontally) between each individual dwelling unit.”

- (i) Section 903, Automatic Sprinkler Systems: Sections 903.2.1 through 903.2.10.1 are hereby deleted in their entirety.

- (j) Section 2901.1, Scope: All references to the International Plumbing Code shall be deleted, and in lieu thereof, the current edition of the Illinois Plumbing Code shall be inserted therefor, and the following paragraph shall also be added to Section 2901.1:

The Village Building Inspector shall require and enforce compliance with the provisions of the current “Illinois Plumbing Code Law”, 225 Illinois Compiled Statutes

320/1 et seq., as presently in force and as the same may be hereafter amended or modified from time to time, which has been adopted by the Village, and the same is hereby incorporated herein by reference and adopted as the standard for the purposes of this Building Code. In the event of any conflict(s) between the provisions of the 2012 Building Code and the current edition of the Illinois Plumbing Code, the strictest standard shall apply.

- (k) Section 3412.2, "Compliance": Insert "July, 2004."
- (l) Chapter 35, Referenced Standards: References to the following standards are hereby deleted:

All references to the International Existing Building Code shall be deleted.
 All references to the International Plumbing Code shall be deleted.
 All references to the International Private Sewage Disposal Code shall be deleted.

- (4) Amendments and Additions to the 2012 Residential Code: The following amendments and/or additions to the 2012 Residential Code are hereby adopted and made part of this title and shall prevail and govern over any related provisions of said codes:

- (a) Section R108.1, Payment of Fees: The following shall be added:
 "Schedule of Building Permit Fees and Charges" shall be as set forth in Section 150.05 of this Chapter.
- (b) Section R112, "Board of Appeals":
 Subsections R112.1 through 112.4, inclusive, are hereby deleted, and the following is hereby inserted in lieu thereof:
 "R112.1, Means of Appeal: See Section 150.01 H of this Chapter."
- (c) Section R113.4, "Violation Penalties": The following language is hereby added:
 "The penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter."

- (d) The following information shall be inserted in Table 301.2(1):

Ground Snow Load -----	25 pounds per square foot
Wind Speed -----	3 seconds – 90 mph
Seismic Condition -----	B
Subject to Damage from Weathering -----	SEVERE
Frost Line Depth -----	42 inches
Termite -----	MODERATE to HEAVY (Termite shields required)
Decay-----	SLIGHT to MODERATE
Winter Design Temperature -----	-4 degrees Fahrenheit
Ice Shield Underlayment-----	Yes
Flood Hazard -----	See Chapter 155, Lake County Watershed Development Ordinance
Air Freezing Index -----	2000
Mean Annual Temp -----	50 degrees Fahrenheit

- (e) Section R309.1, “Floor Surface”: The existing language of Section R309.1 is hereby deleted, and the following is hereby added in lieu thereof:

“R309.1, Floor Surface:

All garage floors shall be concrete. All concrete flatwork, including but not limited to sidewalks, patios, driveways, garage slabs, and all interior floor slabs, etc., shall be a minimum of 4” thick, over a minimum of 4” of compacted gravel with 6x6 W1.4 x W1.4 reinforcement and a minimum 6 mil vapor barrier for all interior and garage slabs.

Curb: A four (4) inch high concrete curb shall be provided in all garages on each side where the garage is adjacent to the residence in order to separate the house from the garage.

- (f) Section R311.2: Notwithstanding anything otherwise contained in Section R311.2 to the contrary, each new dwelling unit shall be provided with two (2) approved means of egress, one (1) of which shall be a minimum of thirty-six inches (36”) in width, including stops. The second egress door shall be a clear minimum thirty-two inches (32”) in width.
- (g) Doors that operate between an attached garage and a residence shall be a minimum one and three-quarters inch (1 ¾”) solid core with a self-closing device. Garage door(s) are not permitted as an approved means of egress.
- (h) Chapter 4: Notwithstanding anything otherwise contained in Chapter 4 to the contrary, wood or concrete block foundations are not permitted. All foundations shall be poured in place concrete with a minimum two (2) minimum no. 4 steel reinforcement bars, top and bottom of each foundation wall bent at all corners and tied together and lapped at 24 diameters, in accordance with the provisions of this Chapter.
- (i) All concrete stoops, landings, stairs, steps, etc. shall be supported by concrete wing walls and/or concrete piers at the direction of the Building Inspector, with all wing walls mechanically attached or doweled into the main structure with minimum #5 steel dowels installed a minimum of twenty-four inches (24”) on center.
- (j) Chapter 25, “Plumbing Administration”, Chapter 26, “General Plumbing Requirements”, Chapter 27, “Plumbing Fixtures”, Chapter 28, “Water Heaters”, Chapter 29, “Water Supply and Distribution Systems”, Chapter 30, “Sanitary Drainage”, Chapter 31, “Vents”, and Chapter 32, “Traps”, shall be and are hereby deleted, and in lieu thereof, reference shall be made to the current Illinois Plumbing Code as presently in force or as the same may be hereafter amended or modified.
- (k) Chapter 33, “Storm Drainage”, Chapter 34, “General Requirements”, Chapter 35, “Electrical Definitions”, Chapter 36, “Services”, Chapter 37, “Branch Circuit and Feeder Requirements”, Chapter 38, “Wiring Methods”, Chapter 39, “Power and Lighting Distribution”, Chapter 40, “Devices and Luminaires”, and Chapter 41, “Appliance Installation”, shall be and are hereby deleted, in in lieu thereof, the 2011 Edition of the National Electrical Code NFPA 70 with the amendments listed in Section 150.03(B) shall be applicable.

- (1) Chapter 44, Referenced Standards: Chapter 44 shall be and is hereby amended as follows:

All references to the International Plumbing Code in the Referenced Standards are hereby deleted.

All references to the International Private Sewage Disposal Code in the Referenced Standards are hereby deleted.

(Ord. 2013-8-1-A, passed 12/18/13; Amd. Ord. 2014-8-3A, passed 07/16/14)

(B) Electrical Code:

The National Electrical Code, 2011 Edition, with any National Electrical Code amendments thereto, which shall be referred to in this Village Code as the “2011 National Electrical Code”, a copy of which was on file in the office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title as the rules and regulations governing the installation, alteration, and use of electrical equipment and wiring in the Village; and it shall be unlawful for any person to install or alter, or cause to be installed or altered, any electrical equipment or wiring in violation of or without complying with those rules and regulations, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code, with the additions, insertions, deletions and changes as set forth below:

- (1) All wiring is to be installed using thin wall metal conduit pipe, IMC or heavy wall pipe.
- (2) The minimum electric service for any new building shall be 200 amperes and such service shall be buried underground.

(Ord. 2013-8-1-A, passed 12/18/13)

(C) Mechanical Code:

The International Mechanical Code, 2012 Edition, with any ICC amendments, which shall be referred to in this Village Code as the “2012 Mechanical Code”, a copy of which was on file in the office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code, with the additions, insertions, deletions and changes as set forth below:

- (1) Section 106.5.2, “Fee Schedule”, shall be deleted in its entirety and the following shall be inserted in lieu thereof:
“106.5.2, Fee Schedule: See Section 150.05 of this Village Code.
- (2) Section 106.5.3, “Fee Refunds”, shall be deleted in its entirety and the following shall be inserted in lieu thereof:
“106.5.3, Fee Refunds: See Section 150.05 of this Village Code.

- (3) Section 108.4, “Violation Penalties”, shall be deleted in its entirety and the following shall be inserted in lieu thereof:

Section 108.4, Violation Penalties: Penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.

- (4) Section 108.5 Stop Work Orders: The following language shall be added:

Penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.

- (5) Section 109, “Means of Appeal”, is hereby amended by the deletion of Subsections 109.1 through 109.7, inclusive, in their entirety, and in lieu thereof, the following shall be added: See Section 150.01 H.

- (6) Chapter 15, “Referenced Standards”, is hereby amended by the deletion of all references to the International Plumbing Code.

(Ord. 2013-8-1-A, passed 12/18/13)

(D) Fuel Gas Code:

The International Fuel Gas Code, 2012 Edition, with any ICC amendments, which shall be referred to in this Village Code as the “2012 Fuel Gas Code”, a copy of which was on file in the Office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code, with the additions, insertions, deletions and changes as set forth below:

- (1) Section 106.6.2, “Fee Schedule”: Section 106.6.2 shall be and is hereby deleted in its entirety and the following shall be inserted in lieu thereof.

“106.6.2, Fee Schedule: See Section 150.05 of this Village Code.

- (2) Section 106.6.3 “Fee Refunds”: Section 106.6.3 shall be and is hereby deleted in its entirety and the following shall be inserted in lieu thereof.

“106.6.3, Fee Refunds: See Section 150.05 of this Village Code.

- (3) Section 108.4, “Violation Penalties”: The following language shall be added:

Penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.

- (4) Section 108.5, “Stop Work Orders”: The following language shall be added:

Penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.

- (5) Section 109, “Means of Appeal”, is hereby amended by the deletion of Subsections 109.1 through 109.7, inclusive, in their entirety, and in lieu thereof, the following shall be added: See Section 150.01 H.

- (6) Chapter 8, “Referenced Standards”, is hereby amended by the deletion of all references to the International Plumbing Code.

(Ord. 2013-8-1-A, passed 12/18/13)

(E) Plumbing Code:

The Illinois Plumbing Code, as it may be amended from time to time, shall be referred to in this Village Code as the “Illinois Plumbing Code”, a copy of which was on file in the Office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code.

(Ord. 2013-8-1-A, passed 12/18/13)

(F) Accessibility Code:

The Illinois Accessibility Code, as it may be amended from time to time, shall be referred to in this Village Code as the “Illinois Accessibility Code”, a copy of which was on file in the Office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code.

(G) Fire Code:

The 2012 International Fire Code, with any ICC amendments, shall be referred to in this Village Code as the “2012 Fire Code”, a copy of which was on file in the Office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference and made a part of this title, and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code, with the additions, insertions, deletions and changes as set forth below:

- (1) Subsections 108.1 through 108.3, inclusive, are hereby deleted, and the following is hereby inserted in lieu thereof:

“Section 108.1, Means of Appeal: See Section 150.01 H of this Chapter.”

- (2) Section 109.4, “Violation Penalties”: The following language shall be added:

Penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.

- (3) Section 111.4, “Failure to Comply”: The following language shall be added:

Penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.

- (4) Section 202, “Definitions”: The definition of “Fire Code Official” shall be deleted, and in lieu thereof the following new definition shall be inserted:

Fire Code Official. The Building and Zoning Official charged with the administration and enforcement of this Chapter, or his duly authorized representative.

- (5) Section 5601.1.3, “Fireworks”, is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, advertisement, handling, and use of fireworks are prohibited.

Exceptions:

1. The use of fireworks for display as permitted in Section 5608.
2. The retail sale of approved consumer novelties shall be permitted, but only to person 18 years of age or older. Such sales shall be permitted only in buildings equipped with approved automatic sprinkler systems. The display of consumer novelties in a building shall be separated from all exit doors by a minimum distance of 20 feet or as approved in advance in writing by the Fire Code Official. The sale of consumer novelties shall not be permitted at any building or on any property where flammable or combustible liquids or gases are sold or dispensed.

- (6) Section 5602, “Definitions”, is hereby amended as follows:

- (a) A new definition, “Consumer Novelties”, shall be inserted in alphabetical order, which new definition shall read as follows:

CONSUMER NOVELTIES. Consumer novelties shall mean: (i) snakes, glow worm pellets, smoke devices, trick noisemakers (known as party poppers), toy booby traps, snappers, trick matches, cigarette loads, auto burglar alarms, toy pistols, toy canes, toy guns, and other devices in which paper or plastic caps containing 0.25 grains or less of explosive compound are used, provided they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and (ii) toy pistol paper or plastic caps which contain less than 0.25 grains of explosive mixture.

- (b) The definition “Fireworks, 1.4G” is hereby deleted, and the following definition is hereby inserted in lieu thereof:

Fireworks, 1.4G. (formerly known as class C, common fireworks.) Small fireworks devices, including handheld wire sparklers, containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks that comply with the construction, chemical composition, and labeling regulations of the DOT for fireworks, UN 0336, and the U.S. consumer product safety commission as set forth in CPSC 16 CFR: parts 1500 and 1507 are not explosive materials for the purpose of this code.

- (7) Section 5608, “Fireworks Display”, is hereby amended as follows:

- (a) Section 5608.1, “General”, is hereby amended by the addition of the following new subsection which shall read as follows:

5608.1.1 Indoor displays prohibited. The use of any type of fireworks, novelties, or display or pyrotechnic special effects in theatrical or group entertainment shall be prohibited within a structure of any use group.

- (b) Subsection 5608.2.1, “Outdoor Fireworks Displays”, shall be deleted in its entirety, and a new Subsection 5608.2.1 shall be inserted in lieu thereof, which new Subsection shall read as follows:

5608.2.1 Outdoor Fireworks Displays. In addition to the requirements of section 403, permit applications for outdoor fireworks displays using division 1.3G fireworks shall include a diagram of the location at which the display will be conducted, including the site from which fireworks will be discharged; the location of buildings, highways, overhead obstructions, and utilities; and the lines behind which the audience will be restrained. All outdoor fireworks displays shall be electronically fired from an approved electronic firing unit.

- (c) Section 5608.8, “Fireworks Display Supervision”, shall be amended by the addition of the following new subsection 5608.8.1 which shall read as follows:

5608.8.1 Display site restricted. No spectators or spectator parking areas shall be located within the display site. No vehicles shall be parked within the discharge area following the start of connection of the first circuit to the electronic firing unit.

- (d) A new Section 5608.11, “Display and Sale Prohibited”, is hereby added, which new Section shall read as follows::

5608.11 Display and sale prohibited. It shall be unlawful to display, sell, store, or advertise for sale any division 1.4G or 1.3G fireworks within the Village.

- (8) Chapter 80, “Referenced Standards”, is hereby amended by the deletion of all references to the International Plumbing Code.

(Ord. 2013-8-1-A, passed 12/18/13)

(H) Energy Conservation Code:

The International Code Council International Energy Conservation Code, 2012 Edition, with any ICC amendments thereto, which shall be referred to in this Village Code as the “2012 Energy Conservation Code”, a copy of which was on file in the office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption thereof, be and is hereby adopted by reference, except for such deletions or substitutions of sections as hereinafter provided, and the following additions and/or amendments to the 2012 Energy Conservation Code shall also be and are hereby adopted and approved:

- (1) Section C108.4 is hereby revised by the addition of the following:

“The penalties for violations of this Chapter shall be as set forth in Section 150.99 of this Chapter.”

- (2) Sections C109.1 through C109.3, inclusive, are hereby deleted and the following shall be inserted in lieu thereof:

See Section 150.01 H of this Chapter.

(Ord. 2013-8-1-A, passed 12/18/13)

- (I) Elevator and Escalator Standards: The installation, repair, or modification of elevators, escalators, and other conveyances after the effective date of this Section shall be in accordance with the following standards, which standards are hereinafter sometimes referred to as the “Elevator and Escalator Standards”, and which regulations are hereby adopted and incorporated herein by reference, and at least one (1) copy of each of said standards has been on file and available for public inspection and/or copying in the office of the Village Clerk for at least thirty (30) days prior to the adoption thereof:
- (1) Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07);
 - (2) Guide for inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2004);
 - (3) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005). Only upgrades required by application of the Safety Code for Existing Elevators and Escalators must be completed no later than January 1, 2015 (see Public Act 096-0054, Section 35(h)). With respect to ASME A17.3-2005, “Safety Code for Existing Elevators and Escalators”, upgrades required by Section 35(h) must be completed no later than January 1, 2015.
 - (4) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005);
 - (5) Standard for the qualification of Elevator Inspectors (ASME QEI-1-2007);
 - (6) Automated People Mover Standard (ASCE 21-05), Part 1, 2006;
 - (7) Automated People Mover Standards (ANSI/ASCE/T&DI 21.2-08), Parts 2, 3, and 4, 2008 American Society of Mechanical Engineers (ASME); Three Park Avenue, New York, New York
American Society of Civil Engineers (ASCE), 1801 Alexander Bell Drive, Reston, VA 20191-4400
 - (8) The following records shall be maintained by the Building and Zoning Official of the Village:
 - (a) Copies of all inspection reports;
 - (b) Copies of all permit applications;
 - (c) Copies of all permits issued;
 - (d) Maintain a record of the number of Certificates of Operation issued; and
 - (e) Copies of all variances/exceptions issued.
 - (9) The owner of all conveyances in the Village shall be required to register with and pay the associated fee to the Office of the State Fire Marshal (“OSFM”) and such conveyances shall be put out-of-service and the names of the owners of those conveyances that fail to

register shall be reported to the OSFM within thirty (30) days of determination that the conveyance is not registered.

- (10) No conveyance covered by this Section shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Village before the work is commenced.
- (11) The Village shall keep all permits it issues on file for a period of not less than two (2) years from the date of issuance. Where any material alteration is made, the device shall confirm to applicable requirements in ASME A17.1, ASME A18.1, or ASCE 21.
- (12) No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to the Elevator Safety and Regulation Act (225 ILCS 312) ("the Act"), except that a permit to alter a conveyance may be issued to an entity exempted from licensure under subsection (a) of Section 40 of the Act.
- (13) A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(J) Property Maintenance Code:

The ICC International Property Maintenance Code, 2012 Edition, with any ICC amendments thereto, which shall be referred to herein as the "2012 Property Maintenance Code", a copy of which was on file in the office of the Village Clerk for inspection and/or copying by the public for at least thirty (30) days prior to adoption hereof, be and is hereby adopted by reference, except for such deletions or substitutions of sections as hereinafter provided. Copies of the Property Maintenance Code are on file in the office of the Village Clerk for public use and inspection, and the following additions and/or amendments to the 2012 Property Maintenance Code shall also be and are hereby adopted and approved.

- (1) Section 102.3 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 102.3 is hereby adopted, which shall provide as follows:

Section 102.3 Application Of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Port Barrington Building Code, the 2012 Residential Code, the Illinois Plumbing Code, the 2012 Mechanical Code and the 2011 National Electrical Code. Wherever this Code refers to the International Building Code, such reference shall be construed to mean the 2012 Building Code. Wherever this Code refers to the International Residential Code, such reference shall be construed to mean the 2012 Residential Code. Wherever this Code refers to the International Fire Code, such reference shall be construed to mean the 2012 Fire Code. Wherever this Code refers to the Illinois Plumbing Code, such reference shall be construed to mean the Illinois Plumbing Code, as amended from time to time. Wherever this code refers to the International Mechanical Code, such reference shall be construed to mean the 2012 Mechanical Code. Wherever this Code refers to the National Electrical Code, such reference shall be construed to mean the 2011 National Electrical Code. Wherever this Code refers to the International Zoning Code, such reference shall be construed to mean the Port Barrington Zoning Code. Nothing in this Code shall be

construed to cancel, modify or set aside any provision(s) of the Port Barrington Zoning Code.

- (2) The title of Section 103 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, the following title of Section 103 shall be as follows:

Section 103. Building Department:

- (3) Section 103.1 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 103.1 is hereby adopted, which shall provide as follows:

Section 103.1 General. The Village has previously created the Building Department. The Village employee or independent contractor in charge of said department, or his or her designee, shall be known as the “Building and Zoning Official” or “Building Inspector”.

- (4) Section 103.5 of the 2012 Property Maintenance Code is hereby deleted in its entirety and in lieu thereof, the following new Section 103.5 is hereby inserted, which new Section shall read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Section 150.05 (“Schedule of Building Fees and Charges”) of the Village of Port Barrington Code of Ordinances.

- (5) Section 106.3 of the 2012 Property Maintenance Code is hereby deleted in its entirety and nothing is inserted in lieu thereof.

- (6) Section 106.4 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 106.4 is hereby adopted, which shall provide as follows:

Section 106.4 Violation Penalties. Any person who shall violate a provision of Chapter 150, “Building Regulations”, of Title XV, “Land Usage”, of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Inspector, or any officer or employee of the Village duly authorized by the Village Administrator, or his or her designee, or of a permit or certificate issued under the provisions of this Code, and/or any person who shall fail to maintain a building or structure in compliance with Chapter 150, “Building Regulations”, of Title XV, “Land Usage”, of this Code shall be guilty of a petty offense, punishable by a fine as specified from time to time in Section 150.99, “Penalties”, of this Chapter 150, “Building Regulations”, of the Port Barrington Code of Ordinances. Each day that a violation continues shall be deemed a separate offense.

- (7) Section 111, “Means of Appeal”, is hereby deleted, and in lieu thereof, the following is hereby inserted:

111. Means of Appeal: See Section 150.01 H of this Chapter.

- (8) Section 302.4 of the 2012 Property Maintenance Code is hereby deleted in its entirety.

- (9) Section 302.8, “Motor Vehicles”, is hereby deleted in its entirety, and in lieu thereof, please refer to Chapter 95 of this Code of Ordinances.
- (10) Section 304.14 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 304.14 is hereby adopted, which shall provide as follows:

304.14. Insect Screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- (11) Section 602.2 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 602.2 is hereby adopted, which shall provide as follows:

Section 602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F in all habitable rooms, bathrooms and toilet rooms based on a winter outdoor design temperature of -4 degrees F. Cooking appliances shall not be used to provide space heating to meet the requirements of this Section.

- (12) Section 602.3 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 602.3 is hereby adopted, which shall provide as follows:

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a temperature of not less than 65 degrees F. in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below -4 degrees F., maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

- (13) Section 602.4 of the 2012 Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 602.4 is hereby adopted, which shall provide as follows:

Section 602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to May 15th to maintain a temperature of not less than 65 degrees F. during the period the spaces are occupied.

- (14) The referenced standard in Chapter 8 of the 2012 Property Maintenance Code, titled EC-09 ICC Electrical Code, under the heading “ICC” set forth on page 27 of the ICC International Property Maintenance Code 2012 is hereby deleted and the following referenced standard is inserted in lieu thereof:

2011 National Electrical Code

- (15) The referenced standard in Chapter 8 of the 2012 Property Maintenance Code, titled IBC-09 International Building Code, under the heading “ICC” set forth on page 27 of the ICC International Property Maintenance Code 2012 is hereby deleted and the following referenced standard is inserted in lieu thereof:

2012 Building Code

- (16) The referenced standard in Chapter 8 of the 2012 Property Maintenance Code, titled IFC-09 International Fire Code, under the heading “ICC” set forth on page 27 of the ICC International Property Maintenance Code 2012 is hereby deleted and the following referenced standard is inserted in lieu thereof:

2012 Fire Code

- (17) The referenced standard in Chapter 8 of the 2012 Property Maintenance Code, titled IMC-09 International Mechanical Code, under the heading “ICC” set forth on page 27 of the ICC International Property Maintenance Code 2012 is hereby deleted and the following referenced standard is inserted in lieu thereof:

2012 Mechanical Code

- (18) The referenced standard in Chapter 8 of the 2012 Property Maintenance Code, titled IPC-09 International Plumbing Code, under the heading “ICC” set forth on page 27 of the ICC International Property Maintenance Code 2012 is hereby deleted and the following referenced standard is inserted in lieu thereof:

Illinois Plumbing Code

- (19) The referenced standard in Chapter 8 of the 2012 Property Maintenance Code, titled IZC-09 International Zoning Code, under the heading “ICC” set forth on page 27 of the ICC International Property Maintenance Code 2012 is hereby deleted and the following referenced standard is inserted in lieu thereof:

Village Of Port Barrington Zoning Code

(Ord. 2013-8-1-A, passed 12/18/13)

§150.04: FENCES

(A) Definitions.

For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CORNER LOT.

- (1) Any lot that abuts one or more intersecting roadway rights-of-way.

- (2) A **CORNER LOT** is considered to have at least two “front” lots and in some cases three front lots fronting on an intersecting roadway right-of-way.

FENCE. Any structure forming a barrier or enclosure composed of manufactured or processed material.

FENCE, CLOSED. A fence constructed of solid material to restrict 100% of the view from one side to the other.

FENCE, OPEN: A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise 70% or more of the total surface area of the fence.

FENCE, NATURAL. Same as structured fence, except it is constructed of natural growth such as shrubs, hedges, evergreens, and the like.

FRONT YARD. The area between side lot lines and the front portion of the house or building to the abutting front roadway right-of-way.

GRADE.

- (1) The degree or inclination of a slope or other surface.
- (2) Slope associated with the immediate grading of a specific property on either side of the fence in question.

HEIGHT.

- (1) The distance measured from the highest point of the ground, adjacent to the fence, to the highest point of the fence along the entire length of the fence.
- (2) No portion of the fence may exceed the highest allowable dimension based on the grade immediately adjacent to the proposed fence.

OPEN SURFACE.

- (1) The percentage of the fence area encompassed by the area between the ground and the highest point of the fence, multiplied by its total length, not occupied by the materials by which the fence is constructed.
- (2) For the purpose of this definition, **OPEN** shall mean 70% or greater.

REAR YARD. The area between the side lot lines as measured from the rear line of the house or building to the rear property lot line.

RESIDENTIAL PROPERTY: Any property zoned or used for residential purposes.

SIDE YARD. The area between the side lot line and the house or building as measured from the front line of the house or building to the rear line of the house or building.

WATERWAY. Any lake, river, pond, channel, bay, or stream.

(Ord. 8-1-E, passed 5/7/2008; Amd. Ord. 2018-03-02, passed 3/21/2018)

(B) Generally.

- (1) Any questions related to the interpretation of this Section shall be submitted in writing and directed to the attention of the Building and Zoning Official who is and shall be authorized to interpret any portion of this Section.
- (2) All fences shall be installed and/or maintained in substantial compliance with this Chapter and in compliance with Appendix A attached hereto and made a part hereof.

(C) Permit Required.

- (1) Construction or repair permit required. A building permit is required to be obtained from the Village prior to the construction or erection of any fence, or the repair of in excess of fifty percent (50%) of any fence that is damaged and/or is in substantial disrepair (i.e., requiring “substantial maintenance”), as described in § 150.04(H) hereof, and for the construction or erection of any new fence. Permits shall be obtained from the Building and Zoning Department at the Village Hall.
- (2) Permit Requirements: All fences must be installed pursuant to a permit obtained in advance from the Village, and submittals provided to the Village for such fence shall include plans or a sketch, pictures, brochures, and/or manufacturer literature describing the materials, colors, method of installation, height, gauge, framing, and the like. The following requirements must be met by the permit applicant prior to the issuance of a fence permit. The applicant(s) shall:
 - (a) Submit completed building permit application, together with any required fee(s) therefor;
 - (b) Submit two (2) copies of the plat of survey of the property showing all structures on the survey with all dimensions;
 - (c) Submit two (2) copies of the plat of survey showing the proposed fence location drawn on the surveys; and
 - (d) Submit plans or a sketch of proposed fence describing all building materials, attachments, post depths, and the like; manufacturer’s brochures and descriptions shall be required for pre-made fences.
- (3) Decorative fences: Prior to the installation of any decorative fence in the front yard of a property, not only must a permit for such fence must be obtained from the Village, but prior to issuance of such a fence permit, the plans for such fence shall be submitted to the Building and Zoning Officer for review and then for submission to the Village Board for final approval of such fence plan at a public Village Board meeting, consistent with the requirements and restrictions contained in this Section.
- (4) Permit fees. The permit fee for installation, substantial maintenance, and/or repair of a fence shall be the minimum fee or the dollar amount per lineal foot as set forth in Section 150.05 of this Chapter, whichever is greater.

(Ord. 8-1-E, passed 5/7/2008; Amd. Ord. 2018-03-02, passed 03/21/2018) Penalty, see § 150.99

(D) Prohibited or Restricted Fences.

- (1) Closed fences are prohibited in the front yard of any property.
- (2) Closed fences are permitted to be installed on the sides of a residential property beginning at the front face of the house, whether existing or proposed, and continuing to the rear property line, provided, however, no such closed fence shall be permitted to be installed at a side yard property line that abuts or parallels a road right-of-way.
- (3) Closed fences shall be allowed to close off the rear yard of any property at the property line where no road right-of-way exists at the rear of the yard.
- (4) All barbed wire, concertina wire, and barbs or other sharp protrusions of or from fences, and all electrically charged security fences, are prohibited.
- (5) Chicken wire, hog, farm and stock type fencing, corrugated metal fencing, and permanent use of snow fencing is and shall be prohibited, except as specifically described in Paragraph (F)(5) below.
- (6) Installation of any fence of a temporary nature of any type shall be prohibited unless specifically approved in writing in advance by the Building and Zoning Official.
- (7) See Appendix A to this Chapter.

(Ord. 8-1-E, passed 5/7/2008; Amd. Ord. 2018-03-02, passed 03/21/2018) Penalty, see § 150.99

- (E) Fences installed in a flood plain shall be installed in substantial compliance with all regulations as set forth in the Lake County Watershed Development Ordinance, which has previously been adopted by the Village (See Section 155.01 of this Code).

(Ord. 8-1-E, passed 5/7/2008) Penalty, see § 150.99

(F) Fence Design and Materials.

- (1) Fences shall be designed and constructed to resist a horizontal wind pressure of not less than 35 pounds per square foot in addition to all other forces to which they may be subjected.
- (2) The height of a proposed fence shall be measured from the “average” elevation of grade immediately adjacent to either side of the fence, or whichever is greater.
- (3) No fence shall exceed five feet (5’) in height unless approved otherwise by variation granted by ordinance of the Board of Trustees.
- (5) Welded wire fences with wire of a caliper no thinner than 14-gauge may be used within the Village, but only if rigidly framed with wood with at least a 2”x4” nominal dimension.
- (6) On any residential property, open fencing may be installed between a house, whether existing or proposed, and the side yard of the property line but shall not exceed four feet (4’) in height, including between a house and a garage, a garage and a property line, and/or running parallel to the front road right-of-way.

- (7) On any residential property, front yard fences, from the front face of the house, whether existing or proposed, to the front property line abutting the road right-of-way shall be limited to two feet six inches (2'6") in height and shall be of an open type design.

(Ord. 8-1-E, passed 5/7/2008; Amd. Ord. 2018-03-02, passed 03/21/2018) Penalty, see § 150.99

(G) Swimming Pool Fences.

- (1) All exterior in-ground swimming pools shall be completely enclosed by a five-foot high fence with the vertical members, slats, and the like spaced so as not to allow the passage of a four-inch sphere.
- (2) Any and all openings in the fence shall be equipped with a gate with self-closing closer hardware and self-latching devices placed at the top of the gate/fence and made inaccessible to small children.
- (3) Minimum materials shall be vinyl-coated, number nine-gauge woven wire mesh galvanized or other corrosion-resistant materials.
- (4) Any other materials and/or methods shall be approved by the Building and Zoning Official.

(Ord. 8-1-E, passed 5/7/2008) Penalty, see § 150.99

(H) Existing Fences.

- (1) No fence installed prior to the adoption of this Chapter may be extended, altered, or modified without a permit issued by the Village.
- (2) All alterations, modifications, and the like shall comply with all of the sections of this Chapter, unless a variation therefor is granted by ordinance of the Board of Trustees.
- (3) Normal maintenance of pre-existing fences is permitted without a permit, however, maintenance of fences that require repair in excess of 50% of the total fence area or total length (i.e., substantial maintenance) is prohibited unless a permit therefor is issued by the Village in advance of any maintenance thereof as required by Subparagraph C hereof.
- (4) Fences in substantial disrepair, as determined by the Building and Zoning Official, may not be maintained, repaired, restored, or altered, except by the issuance of a building permit.
- (5) Fences in substantial disrepair shall be repaired pursuant to a building permit issued therefor or improved within ten (10) days after receipt of a directive of notice for repair by the Building and Zoning Official.

(Ord. 8-1-E, passed 5/7/2008) Penalty, see § 150.99

(I) Maintenance.

- (1) Fences shall be maintained in a good condition and repair.
- (2) The owner of the property shall be responsible for the maintenance of the fence(s) and shall correct any and all conditions of disrepair within ten (10) days after written or oral notice from the Building and Zoning Official.

(Ord. 8-1-E, passed 5/7/2008; Amd. Ord. 2018-03-02, passed 03/21/2018) Penalty, see § 150.99

- (J) The Building and Zoning Official, or his or her designee, shall be authorized to interpret and enforce this Section 150.04.

(Ord. 2018-03-02, passed 03/21/2018) Penalty, see § 150.99

§150.05: SCHEDULE OF BUILDING FEES AND CHARGES:

(A) *Commercial construction.* The following is the permit fee schedule for a single or multiple (open shell) building. Each separate business/area, beyond the first tenant/owner, shall require a separate permit for the individual construction.

<i>Section</i>	<i>Description</i>	<i>Line Item</i>	<i>Total</i>
Building	Basic/minimum (nonrefundable) at application time	\$300.00	
	First 1,000 square feet	\$.75	
	Second 1,000 square feet	\$.50	
	Each square foot over 2,000 square feet	\$.30	
	Sub total		
Plan Review	*Ordinance and code review, minimum fee	\$500.00	
	First 1,000 square feet	\$.50	
	Second 1,000 square feet	\$.25	
	Each square foot over 2,000 square feet	\$.25	
	Fire Department and engineering, separate fee		
	Sub total		
Special Inspection and/or Plan Review Fees	Inspection fees (additional) vary per application for each additional inspection and/or plan review as required by the Village.	\$75.00 Per hour	
Plumbing	*Minimum	\$100.00	
	First inspection (\$60.00 each additional inspection)	\$100.00	
	Fixtures; no. _____ at \$15.00 each		
	Gas opening; no. _____ at \$10.00 each		
	Floor drains: no. _____ at \$10.00 each		
	Water heaters: no. _____ at \$10.00 each		
	Sill cocks; no. _____ at \$10.00 each		
	Gray box: no. _____ at \$10.00 each		
	Drainage pumps: no. _____ at \$10.00 each		
	Sub total		
Electrical	*Minimum	\$100.00	

<i>Section</i>	<i>Description</i>	<i>Line Item</i>	<i>Total</i>
	First inspection (\$60.00 each additional inspection)	\$100.00	
	200 amp service	\$60.00	
	277/480 service	\$100.00	
	Each additional service	\$60.00	
	square feet @ \$0.15 per sq. ft.	\$.15	
	Fire alarm (Fire Department to review for all code-related items); additional engineering fee as required from Fire Department	\$100.00	
	Communication system (intercom, tele.); _____ at \$75.00 each		
	Sub total		
Mechanical	*Minimum	\$100.00	
	First RTU, heat	\$50.00	
	Additional RTUs; no. 2 at \$30.00 each		
	Basic A/C	\$100.00	
	A/C ton capacity; no. 12 tons at \$15.00 each		
	Sub total		
Parking/Drive	*Minimum	\$100.00	
	Pavement area; spaces x 220 square feet; 16 spaces at \$.09		
	Sub total		
Other	Sprinkler system	\$200.00	
	Fire Department may require additional fees for sprinkler/fire suppression design review which are the responsibility of the applicant.		
	Berms/retaining walls	\$75.00	
	Landscaping (minimum coverage, types, green space, and the like)	\$100.00	
	Sub total		
Signs	Minimum - each sign	\$75.00	
	Illuminated - area _____ at \$2.40/square foot		
	Non-illuminated - area _____ at \$1.85/square foot		
	Sub total		

NOTES TO TABLE:

* Permit fees for all site work, sewer, grading, site development, and the like shall be reviewed by engineering with all costs the responsibility of the applicant.

(B) *New Residential construction:*

<i>Section</i>	<i>Description</i>	<i>Line Item</i>	<i>Total</i>
Residence	*Nonrefundable fee at time of application	\$250.00	
	For each square foot, including garage, basement/crawl - survey required	\$.90	
	Site review, not including subdivisions (individual residence)	\$150.00	
Plumbing	Minimum	\$50.00	
	Fixtures; no. _____ at \$10.00 each		
	Ejector pump	\$10.00	
	Jacuzzi tub, whirlpool, and the like	\$30.00	
HVAC	Minimum	\$50.00	
Electrical	Minimum	\$50.00	
	200 amp service minimum	\$50.00	
	_____ square feet (habitable) per square foot	\$.12	
Driveway	Minimum	\$20.00	
	Per each lineal foot at street	\$5.00	
Special Inspection and/or Plan Review Fees	Inspection fees (additional) vary per application for each additional inspection and/or plan review as required by the Village.	\$75.00 Per hour	
Seawall	Seawalls require engineering approval		
Decks/ Patios	Elevated	\$100.00	
	On-Grade	\$ 75.00	
Penalty	Minimum construction start without permit (double fee shall apply), minimum	\$250.00	
<p>NOTES TO TABLE: * When plans and specifications submitted for permit require additional review due to complexity of the construction, including, but not limited to, continuous review and/or correspondence, additional fees shall be charged for all additional time spent on reviewing the condition(s) and are the responsibility of the applicant. This applies to all categories in the fee schedule. a. Engineering to review and inspect all underground, site and flood plain improvements, and the like under separate fee. b. Sewer connection, separate fee.</p>			

(C) Residential construction, alterations, remodeling, accessory structures, etc.:

<i>Section</i>	<i>Description</i>	<i>Line Item</i>	<i>Total</i>
Addition/Alteration	Nonrefundable fee at time of application	\$75.00	
	Minimum (recent/accurate survey required with plans) minus \$75.00	\$150.00	
	Each additional square foot over 500 square feet	\$.50	
	Plumbing; per fixture	\$30.00	
	Electrical; _____ square feet (habitable) per square foot	\$.12	
	HVAC; per each square foot (total area)	\$.15	
	Sub total		
Detached garage	120 to 200 square feet	\$75.00	
	Each additional square foot over 200 square feet	\$.10	
	Sub total		
Attached garage	200 square feet or below (survey required)	\$150.00	
	Each additional square foot over 200 square feet	\$.10	
	Sub total		
Accessory Building	Minimum	\$75.00	
	Fee for each square foot	\$.40	
Fences	Minimum fee for installation and/or substantial maintenance of any fence (check ordinance for setbacks and heights); or	\$100.00	
	Fee, per lineal foot, for installation and/or substantial maintenance of any fence, whichever is greater	\$0.30	
Re-roof	Residence	\$80.00	
	Detached Garage	\$40.00	
	Fee for each additional square foot over 1,800 square feet	\$.15/foot	
Other	Maintenance/repair per square foot; total area of building repaired per square foot	\$.05	
	Roof additions/redesign per dollar value of work plus minimum	\$.08/foot	
	Second floor addition per square foot plus minimum	\$.55	
	Driveway/repair per lineal foot at street plus minimum	\$5.00	
	In-ground pool plus minimum; survey and site plan required	\$150.00	
	Above ground pool plus minimum; survey and site plan required	\$75.00	
	Fireplace each (manufacturing specifications required)	\$50.00	
	Demolition per square foot plus minimum	\$.20	
NOTES TO TABLE: *When plans and specifications submitted for permit require additional review due to complexity of the construction, including, but not limited to, continuous review and/or correspondence, additional fees shall be charged for all additional time spent on reviewing the condition(s) and are the responsibility of the applicant. This applies to all categories in the fee schedule.			

(Ord. 8-1-A, passed 3/5/2008; Amd. Ord. 2013-8-1-A, passed 12/18/13)

- (E) A fee surcharge of fifty percent (50%) of total building permit fees, but not less than \$1,000, shall be collected if construction or alterations are started before a required permit is issued.
- (F) An administrative fee shall be assessed on all permits, where the scaled cost of construction or the construction project value is in excess of ten thousand dollars (\$10,000.00). The administrative fee shall be calculated by multiplying the scaled cost of construction or construction project value multiplied by .001, but such administrative fee shall not in any event be less than \$30.00. Such administrative fee shall be collected from the permit applicant prior to issuance of each building permit. Reimbursement to the Village and/or payment for all professional fees and other expenses incurred by the Village relative to the review, processing, and/or approval of any building permit and/or applications and/or plans for any such building permits and for any and all plan review(s) shall be required pursuant to Chapter 37, "Reimbursement for Professional Fees and Other Expenses," of Title III, "Administration," of this Code, and said Chapter 37 shall be applicable to all such applications, requests, and/or inquiries.

(Ord. 2013-8-1-A, passed 12/18/13)

ARTICLE II: HOUSING INSPECTIONS

§ 150.06 LEGISLATIVE FINDING AND PURPOSE.

- (A) It is found that there now exists and may in the future exist, within the Village, units of rental housing which by reason of their condition, operation, use or over occupancy, adversely affect or are likely to adversely affect the public health (including the physical, mental and social well-being of persons and families), safety and general welfare.
- (B) The Corporate Authorities of the Village by and through its Property Maintenance Code regulates minimum health and safety requirements for all existing residential buildings and structures within the jurisdiction of the Village and, by this Chapter, desires to establish a systematic inspection program for all rental housing within the Village to ascertain compliance with the provisions of said Property Maintenance Code.
- (C) It is declared that the purpose of this Chapter is to protect the health and safety of the people and to promote the public welfare by requiring periodic systematic inspection and certification of all rental housing in existence or hereafter constructed in the Village.
- (D) A program of inspection and certification of housing under the provisions of this Chapter shall thereby promote the health and safety of the residents, protect the appearance of the Village's residential neighborhoods and the preservation of residential property values throughout the Village to the benefit of all its citizens.
- (E) Without any limitation on the other provisions of this Chapter, the inspection of other housing within the Village, which is not rental housing, pursuant to this Chapter shall occur on an as-needed basis, based upon complaints received by the Building and Zoning Official, or when violations otherwise come to the attention of the Building and Zoning Official.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.07 DEFINITIONS.

For the purpose of this Article II, “Housing Inspections”, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING AND ZONING OFFICIAL. The enforcement official as identified in this Chapter, or his designee, and vice versa.

CODE. The Village of Port Barrington Code of Ordinances.

DWELLING UNIT. The permanent or temporary abode of a family, an individual, or group of individuals; a single unit providing complete independent facilities for the exclusive use of the family, individual, or group of individuals, including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY. Two or more persons related to each other by blood, marriage or legal adoption, living together as a single housekeeping unit; or a group of not more than 3 persons, who need not be related by blood, marriage or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

GUEST. A person who is a temporary resident (less than 10% of the time) of a dwelling unit and who does not utilize the unit as a legal address for any purpose. *GUEST* shall also mean a person who occupies a rental unit without providing compensation for the privilege of occupying such rental unit.

INITIAL INSPECTION. The first inspection of a dwelling unit for the purpose of determining compliance with the Property Maintenance Code of the Village.

INSPECTION CHECKLIST FOR A RENTAL DWELLING UNIT. See Appendix B.

LET FOR OCCUPANCY or *LET.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure to a person who is or who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the premises. The term of the letting shall be the period which has been agreed upon during which the rent or other compensation is fixed and/or no further agreement or permission is needed to remain in occupancy.

MAXIMUM ALLOWABLE OCCUPANCY. The maximum number of persons permitted to occupy a dwelling unit determined under the Property Maintenance Code.

OCCUPANT. A person occupying a dwelling unit, or using the property as a legal address for any purpose.

OWNER. Any person having a legal or equitable ownership interest in the fee title to the property.

PERSON. Includes any corporation, limited liability company, partnership, or any trust, as well as any natural person. References in the masculine gender include the feminine gender and the neuter. The present tense shall include the future tense, and the singular shall also include the plural.

PROPERTY AGENT. A person, operator, firm, partnership, corporation, or other legal entity

designated in writing by the property owner to the code official to manage a rental residential property including the authority to receive notices or citations.

PROPERTY MAINTENANCE CODE. Those codes adopted by the Village, and as amended from time to time, under Section 150.03(J) of this Chapter.

REINSPECTION. An inspection of a dwelling unit to determine the landlord's or owner's correction of code deficiencies cited during the initial inspection.

RESIDENTIAL RENTAL PROPERTY. Any dwelling unit or rooming unit let or intended to be let to a family, person or persons for any amount of rent or other compensation for the use of the rental property as a dwelling.

ROOMING UNIT. A room or a suite of rooms forming a single, separate, habitable unit to be used for living, or for living and sleeping, or for sleeping, but not for cooking and eating purposes.

STATUS REINSPECTION. Any additional reinspection of a dwelling unit that occurs after the initial inspection and reinspection.

VILLAGE. The Village of Port Barrington, Lake and McHenry Counties, Illinois.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.08 CERTIFICATE REQUIRED; PROHIBITED CONDUCT.

- (A) It shall be unlawful for any person to let to another for use or occupancy any residential rental property which is located within the Village without a current and valid Village certificate of compliance for such residential rental property.
- (B) It shall be unlawful for any person to erect, to construct, to alter, to extend, to repair, to remove, to maintain, to fail to maintain, to provide, to fail to provide, to let to another, or to occupy or to permit another person to occupy any residential dwelling unit, premises, property, building, dwelling unit, structure or equipment regulated by the Property Maintenance Code or to cause such things to be done contrary to, or in conflict with, or in violation of this Chapter or in violation of any of the provisions of the Property Maintenance Code, or to fail to obey a lawful order of the Building and Zoning Official, or to remove or deface a placard or notice posted under the provisions of the Property Maintenance Code.
- (C) It is unlawful for any person, or any agent of such person, to offer to rent or to rent a residential rental property which is located within the Village, whether vacant or not, unless a current certificate of compliance or a temporary certificate of compliance as provided in this Chapter has been issued by the Village for such residential rental property.
- (D) It is unlawful for a person to occupy a rental residential property, or for any owner or property agent to allow anyone to occupy a rental residential property which does not have a current certificate of compliance or which is without a temporary certificate of compliance as provided in this Chapter.
- (E) It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent, or

to allow the occupancy of any vacant dwelling unit or any dwelling unit that becomes vacant property for rental purposes for which a certificate of compliance or temporary certificate of compliance is under suspension.

- (F) It shall be unlawful for any person to transfer or convey title of any residential rental dwelling unit which is located within the Village to any person without a current and valid Village certificate of compliance for such residential rental property.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.09 CERTIFICATE.

- (A) (1) Once a certificate is issued it shall be valid and continued until the sooner of any of the following occurs:
- (a) Until title to the residential rental property covered by the certificate is transferred or conveyed so that 50% or more of the record ownership or beneficial interest therein has changed;
 - (b) Until there is a change of occupancy of the residential rental dwelling unit covered by the certificate;
 - (c) Until the residential rental improvements to the property covered by the certificate are damaged or destroyed to the extent that the residential rental unit is uninhabitable;
 - (d) Until the certificate is lawfully suspended or revoked.
- (2) Provided however, nothing in this Section shall prohibit or prevent the Village from requesting the owner or tenant in possession for a voluntary inspection of residential rental property if the Village has probable cause to believe that a violation of this Chapter has or is taking place upon the subject property, provided however, that nothing in this Section shall be construed to prevent the Village from seeking a lawful administrative search warrant at any time circumstances exist which would support the issuance of such a warrant.
- (3) Once issued, a certificate of compliance or a temporary certificate of compliance for any residential rental property cannot be transferred or assigned to another residential rental dwelling unit or to a successor owner of 50% or more of the subject property.
- (4) If a certificate of compliance for any residential rental property is revoked or is no longer valid, as provided in subsections (A)(1) through (A)(3) of this Section, a renewal certificate shall be obtained using the same procedure and application fee as are required for an original certificate of compliance.
- (B) No certificate of compliance for any residential rental property shall be issued except upon written application fully completed on a form provided by the Village and accompanied by a floor plan of each floor of the building or structure, drawn to scale on plain paper of a minimum size of 8½ inches x 11 inches and filed with the Building and Zoning Official or his designee. Such application shall, at a minimum, contain:

- (1) The full legal name, address, home and daytime telephone numbers of each and every owner; and, if applicable, the person designated as the agent of the owner for purposes of scheduling inspectors and/or receiving notices under subsection (B)(4) of this Section;
 - (2) The address of the property to be occupied; and
 - (3) The number of dwelling units within the premises; and
 - (4) The full name and mailing address of the person to whom any notices are to be sent under the provisions of this Chapter (the notice address). Until written notification of a change of the notice address is received by the Village, any notice to be provided under the provisions of this Chapter or the Property Maintenance Code shall be deemed sufficiently given if deposited in the United States mail, postage prepaid and addressed to the person at the address listed in this portion of the application. If an owner is not a resident of the Village the owner may designate an agent for purposes of this subsection (B)(4);
 - (5) The total square footage designed for living and sleeping purposes within the building and/or dwelling to be occupied, calculated consistent with Property Maintenance Code; and
 - (6) The square footage of the floor area of each room, closet and basement, if any.
- (C) Each application for a certificate of compliance or a renewal certificate of compliance shall be accompanied by an application fee of \$95 for each separate dwelling unit which will be inspected consistent with the table set forth below. The fee for late filing shall be 150% of the application fee. The number of dwelling units to be inspected per residential rental property shall be calculated using the following table:

<i>Number of Units on Property</i>	<i>Number of Units to be Inspected</i>
2-8	2
9-15	3
16 or more	20% of units

All dwelling units for which title will be conveyed or transferred from one owner to another, shall be inspected.

The \$95 application fee per dwelling unit inspected shall include an initial inspection and one reinspection. For any second reinspection of the same dwelling unit and any additional reinspection(s) thereafter, pursuant to the same application, a \$35 fee shall be payable in advance to the Village for each such additional inspection.

- (D) The first application for a certificate of compliance and accompanying scale drawing and fee shall be due within 60 days of the adoption and effective date of this Chapter for all residential rental property presently occupied, and for all residential rental property presently held out for occupancy, or at least 60 days prior to the holding out of any rental property for occupancy for the first time at any time after the enactment of this Chapter.
- (E) At the bottom of the application form there shall be a space for the signature or signatures of the applicant(s). Just prior to the signature lines there shall be the following statement:

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this application are true and correct, except as to matters therein stated to be on information and belief, and except as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

- (F) Each application form and certificate issued thereon for residential rental property shall apply to one single tract or parcel of real estate with the improvements thereon and operated as one proprietary unit.
- (G) Each certificate of occupancy for any property within the Village shall contain the date of issuance of the certificate, the name or names of the owner or owners of record to whom the certificate is issued, the address of the dwelling unit for which the certificate applies, the maximum occupancy for the dwelling unit at the address on the certificate, and any and all such other information as the Building and Zoning Official may require.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.10 RENTAL HOUSING INSPECTION PROGRAM.

- (A) At the time of the receipt of a duly completed initial application or renewal application and the required verification, and the application fee having been paid, the Building and Zoning Official, or his designee and the applicant, shall schedule an inspection of the subject premises which constitutes residential rental housing; provided however, nothing in this Chapter shall be construed to prevent the Building and Zoning Official from scheduling and/or lawfully seeking an inspection of any dwelling unit where a certificate of compliance has expired and a renewal certificate has not been issued or when the Building and Zoning Official has reasonable belief that a violation of the Property Maintenance Code or other applicable building or zoning codes have been violated.
- (B) The Building and Zoning Official or his designee may also inspect all rental dwelling units occupied, or held, or offered for letting or occupancy, or for which title is to be transferred or conveyed within the Village, according to a schedule of inspections established by the Building and Zoning Official from time to time, except with respect to any dwelling unit relative to which a violation is reasonably suspected, in which case the Building and Zoning Official may make other and more frequent inspections from time to time to seek compliance with the Property Maintenance Code or other applicable ordinances adopted by the Village from time to time.
- (C) Where the inspection is pursuant to an initial application or a renewal application for residential rental housing, the Building and Zoning Official shall endeavor to schedule the inspection with the applicant or the applicant's agent at a time and on a date during normal Village business hours, which is convenient to the Building and Zoning Official and the applicant or agent. In all other cases, the inspection shall be made on a date and at a time which the Building and Zoning Official may lawfully establish.
- (D) In the event the applicant, owner or tenant of any premises to be inspected refuses entry to the premises to the Building and Zoning Official or his designee, or in the event the owner or his agent

are uncooperative in scheduling the inspection, the Building and Zoning Official or his designee may seek the appropriate administrative search warrant from the applicable circuit court of appropriate venue, for an administrative inspection. Refusal or failure of the owner or owner's agent to permit the Building and Zoning Official or his designee to make the scheduled inspection shall be grounds for delaying the issuance of a certificate, of a renewal certificate or temporary certificate and/or to suspend any current Village certificate of occupancy which may otherwise be applicable to the subject premises.

- (E) Inspection of the premises, to the extent reasonably possible, shall be conducted with the consent and cooperation of the owner(s) or the designated agent.
- (F) The inspections provided for in this Chapter shall be of the mechanical, sanitary, safety and structural components and characteristics of the subject premises, including, but not limited to, interior and exterior walls, walks and driveways, rooms, roofs and other areas open to plain view from the ground or from the air, and all internal common areas, such as vestibules, halls, stairways and basement areas, including furnace and other utility areas and components, and all other areas within the structure which pertain to each of the construction elements and room configurations of the structure being inspected, or in which the owner has an equal right to authorize entry. All sales contracts for residential rental housing, or other arrangements for the transfer or conveyance of any rental dwelling unit, residential rental property leases, licenses or the letting arrangements entered into or renewed after the effective date of this Chapter shall be subject to the provisions of this Chapter.
- (G) Each inspection shall be made by the Building and Zoning Official or his designee and shall be for the purpose for determining compliance with the provisions of this Chapter, the Property Maintenance Code of the Village and all other applicable building, zoning and/or structural codes and/or ordinances adopted by the Village from time to time.
- (H) Any Code violations found as a result of the inspection shall be set forth in a written notice sent by the Village to the owner(s) or owner's agent. A copy of such notice of violation may, but need not be, left with the occupant(s) of a rental property. Notice of violations shall be sent to the owner of record at the address stated on the application or to the person designated on the application form as the owner's agent. In the absence of a person designated to receive notice, the notice shall be sent by regular U.S. mail, postage prepaid, to the last taxpayer of record shown on the records of the applicable County Treasurer as responsible for the ad valorem real estate taxes for the property in violation. Such mailing is deemed to be service of such notice.
- (I) Reinspections shall be made as often as reasonably necessary to ensure corrective action to cure any violations of the relevant ordinances or regulations and to bring the building, dwelling unit and premises into compliance, and if necessary, the appropriate warrant may be sought for these purposes based upon the probable cause or causes supplied by the noted violations.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.11 RULE MAKING AUTHORITY.

The Building and Zoning Official shall have power as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and regulations interpreting and implementing the provisions of this Chapter and to achieve the intent thereof. Such rules shall be consistent with the

standards, procedures, and requirements established by this code and shall not have the effect of waiving structural or fire performance requirements or violating accepted engineering practice involving public safety.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.12 ORGANIZATION.

The Building and Zoning Official may appoint and be assigned any such number of officers, technical assistants, inspectors and other consultants or employees as authorized from time to time by the Corporate Authorities of the Village, and as shall be necessary for the administration of this Chapter. The Building and Zoning Official is authorized to designate another employee of the Village as his deputy who shall exercise the functions of his office during the temporary absence or disability of the Building and Zoning Official.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.13 RESTRICTION OF EMPLOYEES; CONFLICTS OF INTEREST.

An official or employee connected with the enforcement of this Code shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of construction documents therefor, unless that person is the owner of the building; nor shall any officer or employee connected with the enforcement, interpretation or application of this Chapter engage in any work that is considered a conflict of interest with his or her official duties or with the interests of the Building Department under the statutes and common law of the State of Illinois.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.14 OFFICIAL RECORDS.

- (A) The Building and Zoning Official shall keep an official record of all business and activities as set forth in the provisions of this Chapter. All applications to final decisions and permits, certificates and the like issued by the Building and Zoning Official shall be in writing and shall be officially recorded in the permanent records of the Building and Zoning Official.
- (B) All such records shall be open to public inspection as are consistent with the Freedom of Information Act of the State of Illinois at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.15 CERTIFICATE REVOCATION OR SUSPENSION.

A certificate of compliance or any certificate of occupancy issued pursuant to this Code of Ordinances which is in force may be suspended or revoked by the Building and Zoning Official upon a written finding of condition(s) of such dwelling unit which are in violation of this Chapter, as amended, the

Property Maintenance Code, as amended, or other applicable codes and/or ordinances adopted by the Village and/or as may be amended from time to time. Except where one or more of the conditions exist as listed in Section 150.16(B) below related to the subject rental property, the owner of the subject rental property will have seven (7) days to remedy any violation for which written notice of such violated has been provided prior to any suspension or revocation of the Certificate of Compliance otherwise applicable for the rental property will become effective.

(Ord. 2018-08-01, passed 08/15/2018)

§ 150.16 APPEALS.

- (A) Any person notified of violations as provided in this Chapter, or any person denied a certificate of compliance, or any person whose certificate of compliance or certificate of occupancy has been suspended or revoked, shall have the right of appeal such order or decision within forty-five (45) days after the issuance of notice thereof to the Zoning Board of Appeals as provided under Section 150.01 of this Chapter.
- (B) A rental property which is the subject of an appeal shall not be rentable or leasable, nor shall the title for any such rental property be conveyed or transferred, if the decision being appealed is based upon one or more of the following:
 - (1) Structural, mechanical, plumbing or electrical code violations, which present a substantial risk of harm to the health or safety of the occupants or the potential occupants of the subject premises;
 - (2) The failure of the owner or applicant to provide a completed application for a certificate of compliance or a renewal certificate of compliance;
 - (3) The occupancy of the dwelling unit exceeds the permitted maximum occupancy under the Property Maintenance Code, as amended.

(Ord. 2018-08-01, passed 08/15/2018)

§150.17 OTHER INSPECTIONS NOT AFFECTED.

This Chapter shall not be construed to restrict the authority of the Village to inspect any property nor to seek penalties for violations of other codes, ordinances or regulations of the Village.

(Ord. 2018-08-01, passed 08/15/2018)

§150.99 PENALTIES.

- (A) Any person who shall violate any provision of Chapter 150, “Building Regulations”, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building and Zoning Official, or in violation of the provisions of a permit, certificate, or stop order issued under the

provisions of this Chapter, shall be guilty of a petty offense, punishable by a fine of not less than Two Hundred Dollars (\$200.00) per day and not more than Seven Hundred Fifty Dollars (\$750.00) per day. Each day that a violation continues shall be considered a separate offense.

- (B) In addition to fines provided in this Section, the Village may seek any other lawful and appropriate remedy to enforce compliance with the provisions of this Chapter, including, but not limited to, an action in a court of competent jurisdiction for mandatory injunction, injunction, temporary restraining order, preliminary injunction equitable relief, demolition or other lawful relief including, but not limited to, fines and costs of enforcement. The remedies set by the Village shall be cumulative and not exclusive of another.

(Ord. 2013-8-1-A, passed 12/18/13; Amd. Ord. 2018-08-01, passed 08/15/2018)

APPENDIX A

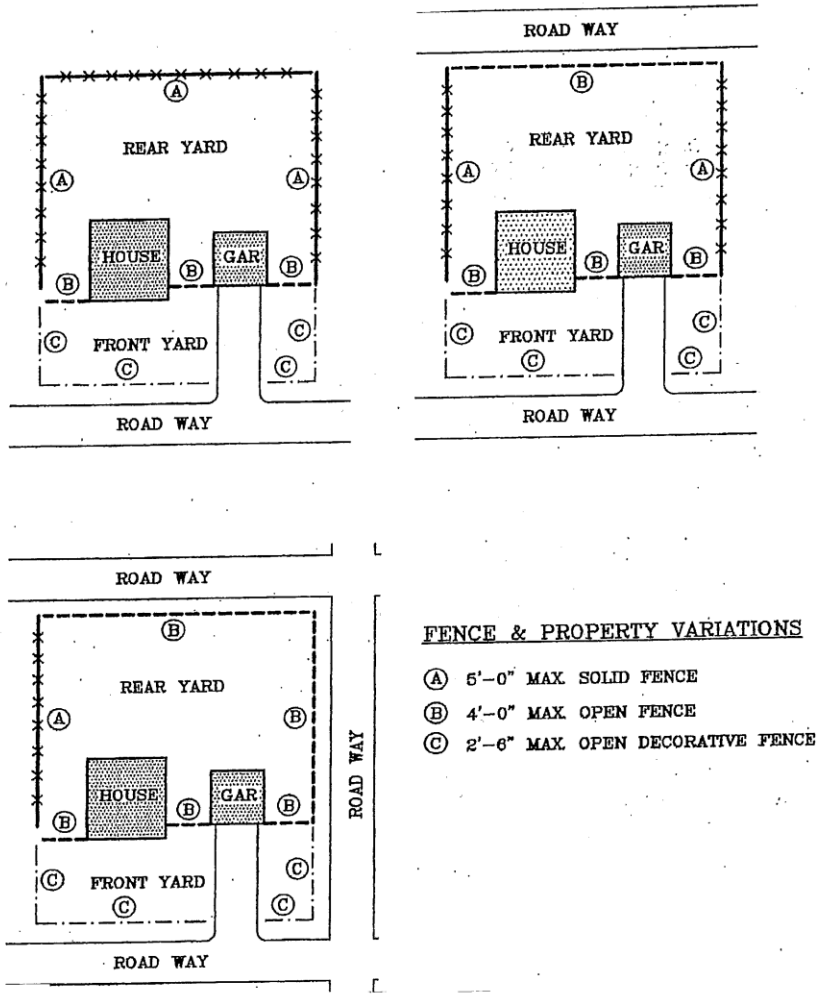


Fig. 1

(Ord. 8-1-E, passed 5-7-2008)

APPENDIX B

Village of Port Barrington

PROPERTY INSPECTION CHECKLIST FOR A RENTAL DWELLING UNIT

PROPERTY ADDRESS: _____, Unit # (if any)_____, Port Barrington, IL

DATE OF INSPECTION: _____, 20__ NAME OF INSPECTOR: _____

<u>INTERIOR:</u>		
	Description	Comment/Location:
(1)	Smoke Detectors are required IN EACH bedroom	
(2)	One (1) smoke detector is required on each level, including the basement	
(3)	One (1) carbon monoxide (CO) detector and one (1) smoke detector are required OUTSIDE of all bedrooms (typically in the hallway between bedrooms)	
(4)	The electrical panel must be labeled	
(5)	No extension cords to door openers, AC units, or any fixed appliance	
(6)	Extension cords should be rated and may only be used for temporary loads	
(7)	No exposed wiring is permitted	
(8)	All openings and knockouts in electrical boxes must be covered	
(9)	Water Heater/Furnace: (a) Black pipe must be used for gas supply (no flex) (b) Discharge pipe for any water heater pressure relief valve must terminate 6" from the floor	
(10)	A drywall fire separation is required on garage side of living area walls and ceilings	
(11)	Nonconforming driveways must be paved within 6 months	
(12)	A fire extinguisher must be properly mounted in the kitchen	
(13)	Mechanical and laundry rooms must be clean of accumulated dust, webs and debris	
(14)	Dryer exhaust must be free of lint	
(15)	All windows which are designed to open must have screens	
<u>EXTERIOR:</u>		
(16)	Address numbers must be on front of house	
(17)	All dead trees must be removed	

DISCLAIMER: The Village of Port Barrington does not warrant the condition of any property inspected and disclaims all liability for any claims arising out of the property or condition thereof.