

**AND ORDINANCE TO ADOPT**  
**TITLE 7, CHAPTER 5**  
**BUILDING AND PROPERTY MAINTENANCE CODE**  
**OF THE CODE OF TAZEWELL COUNTY, ILLINOIS**  
(DRAFT)

**WHEREAS**, the County has the authority pursuant to Chapter 55 ILCS 5/5-1063 to adopt Building Codes and the authority pursuant to Chapter 55 ILCS 5/5-6001 to adopt Codes by reference; and

**WHEREAS**, adoption of a Building and Property Maintenance Code is to provide minimum standards to safeguard life, limb, health, property public welfare, and to assist in the potential reduction of insurance rates for the residents of Tazewell County; and

**WHEREAS**, the Land Use Committee reviewed the proposed Building and Property Maintenance Code and recommends approval of the proposed Code to be enforced solely for multi-family, commercial, industrial and institutional structures; and

**WHEREAS**, this recommendation is due in part to 20 ILCS 3105/10.09-1 which states, after July 1, 2011, no person may occupy a newly constructed commercial building in a non-building code County until said structures are inspected and certified that the structure is compliant with particular building codes; and

**WHEREAS**, it is in the best of interest of Tazewell County not to be a non-building code County for the unincorporated areas, but rather adopt the intended Building and Property Maintenance Code for multi-family, commercial, industrial and institutional structures at this time;

**WHEREAS**, the Land Use Committee recommends adopting the attached Ordinance with amendments for all commercial and industrial structures as defined in 20 ILCS 3105/10.09-1 such projects shall follow the following codes:

1. 2006 International Building Code
2. 2006 International Existing Building Code
3. 2006 International Property Maintenance Code
4. 2008 National Electrical Code NFPA 70
5. State of Illinois Plumbing Code, Part 890 Illinois Administrative Code
6. 2006 International Mechanical Code

**WHEREAS**, the Land Use Committee recommends approval of Appendix A, Fee Schedule of the Tazewell County Building and Property Maintenance Code. This recommendation is consistent with the Tazewell County Fiscal Management Policy Statement FM-05-04 which states, in part, "Where practicable, fees for licenses, permits, fines and other charges shall be set at rates to recover the County's expenses in providing the related program or service;" and

**WHEREAS**, three (3) copies of all above mentioned codes have been filed with the Office the Tazewell County Clerk pursuant to 55 ILCS 5/5-6002 in compliance with the time frame set out therein;

**NOW THEREFORE IT BE ORDAINED** that the County Board of Tazewell County, hereby adopts the attached ordinance as the Tazewell County Building and Property Maintenance Code which includes the Illinois that the 2006 International Building Code, 2006 International Existing Building Code, 2006 International Property Maintenance Code and the 2008 National Electrical Code, State of Illinois Plumbing Code, Part 890 Illinois Administrative Code and the 2006 International Mechanical Code by reference for multi-family, commercial, industrial and institutional structures with amendments.

**BE IT FURTHER ORDAINED** that the Tazewell County Building and Property Maintenance Code becomes effective July 1, 2011, and that the County Clerk is hereby directed to distribute a certified copy of the Ordinance to the County Administrator, Community Development Administrator and State's Attorney.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

\_\_\_\_\_  
Chairman  
Tazewell County Board

ATTEST:

\_\_\_\_\_  
County Clerk, Tazewell County, Illinois

**TITLE 7, CHAPTER 5**  
**BUILDING AND PROPERTY MAINTENANCE CODE**  
**ARTICLE I. GENERAL**  
**(DRAFT)**

**7TCC 5-1 (a) Scope**

- (1) The County of Tazewell adopts as the Building and Property Maintenance Code, the following documents with certain insertions, deletions and changes:

International Building Code 2006  
International Existing Building Code 2006  
International Property Maintenance Code 2006  
NFPA 70: National Electrical Code 2008 Edition  
State of Illinois Plumbing Code Part 890 Illinois Administrative Code  
International Mechanical Code 2006

- (2) This chapter and the codes adopted herein by reference shall apply in the unincorporated areas of Tazewell County.
- (3) This chapter and the codes adopted herein by reference shall only apply to commercial and industrial buildings as defined in 20 ILCS 3105/10.09-1. Any provision of any code incorporated herein which purports to apply to single-family residences, farm buildings, as exempted from Section 3 of the Illinois Architecture Practice Act, or other structures not within this definition shall be disregarded as to those structures.
- (5) Private sewage disposal systems shall not be subject to any of the codes adopted herein by reference, but shall be subject to the requirements of Title 6, Chapter 1, Sub Chapter A, of the Tazewell County Code, "Sewers Disposal."
- (6) Water wells and the installation of water well pumps shall not be subject to any of the codes adopted herein by reference, but shall be subject to the requirements of Title 6, Chapter 1, Sub Chapter C of the Tazewell County Code, "Water Supply."
- (7) Where provisions under the Article 4, Property Maintenance Code are in conflict with Title 6, Chapter 1, Sub-Chapter B, Public Nuisances and Title 6, Chapter 4, Human Habitation of the Tazewell County Code the provision or requirement which is the most restrictive or which establishes the higher standard shall prevail.

**7TCC 5-1 (b) Authority.**

This chapter is adopted pursuant to the authority granted in section 5-1063 of the Counties Code (55 ILCS 5/5-1063)

**7TCC 5-1 (c) Effective date.**

This chapter and the codes adopted herein by reference shall be effective as of July 1, 2011.

**7TCC 5-1 (d) Severability and repeal of existing or conflicting chapters.**

- (1) **Severability.** If any section, provision or portion of this chapter or the codes adopted herein by reference are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter and the codes adopted herein by reference shall not be affected thereby.

**7TCC 5-1 (e) Rules of construction.**

- (1) The present tense includes the future tense, and vice versa.
- (2) The masculine gender includes the feminine and neuter.
- (3) The singular includes the plural and vice versa.
- (4) The words "shall," "must," and "will," are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- (5) The word "may" is permissive in nature.
- (6) The word "person" includes a partnership, association, firm, trust, club, institution, company or corporation as well as the individual.
- (7) Any act authorized by these regulations to be carried out by a specific official or agency of the county is implicitly authorized to be carried out by a designee of such official or agency.
- (8) The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
- (9) If there is any conflict between this Article I and the provisions of any code adopted herein by reference, the terms of Article I shall be controlling.

**7TCC 5-1 (f) MEANS OF APPEALS** shall be replaced in its entirety with the following:

Except for violations of the this code cited by a Code Enforcement Official, an appeal may be taken to the Zoning Board of Appeals (ZBA) by any person aggrieved, from any order, requirement, decision or determination made by the code official in his/her interpretation of this Ordinance. Such Appeal shall be taken within twenty (20) days of the issuance of the order, requirement, decision or determination by filing with the Code Official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds therefor. The Zoning Board of Appeals shall thereupon set a reasonable date, time, and

place for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or his attorney and to the Code Official.

The Zoning Board of Appeals shall follow the provisions of Title 7, Chapter 1, Article 27, Article 29 and Article 34 of the Tazewell County Zoning Code when hearing the Appeal.

**7TCC 5-1 (g) Enforcement and Penalties.**

- (1) **Fine.** The violation of the terms of this chapter or any of the codes adopted herein by reference is hereby declared to be a petty offense, punishable by a fine not to exceed one thousand dollars (\$1,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.
- (2) **Action.** If any notice of violation is not complied with promptly, the Community Development Administrator is authorized to request the State's Attorney to institute the appropriate proceedings in the circuit court:
  - i. To prevent the unlawful erection, construction, reconstruction, alteration, installation, repair, conversion, maintenance, or use of the building, structure or equipment;
  - ii. To prevent the occupancy of the building or structure or use of equipment; or
  - iii. To restrain, correct or abate the violation.
- (3) **Code Hearing Unit.** As an alternative or in addition to the remedies provided for in subsection (2) above, if any notice of violation is not complied with promptly, the Community Development Administrator is authorized to utilize the proceedings set forth in Title 1, Chapter 6, Administrative Adjudication of Ordinance Violations, of the Tazewell County Code.
- (4) **Stop Work Orders.** Whenever the Community Development Administrator finds any work regulated by this chapter or the codes adopted herein by reference is being performed in a manner contrary to the provisions of this chapter or the codes adopted herein by reference he is authorized to issue a Stop Work Order.
- (5) **Removal of notice of violation.** The removal or defacing of any notice of violation posted pursuant to section TCC 5-1 (m) herein by any person other than the Community Development Administrator or their designee is hereby declared to be a petty offense punishable by a fine not to exceed two hundred dollars (\$200.00).

**7TCC 5-1 (h) Fire Marshall.**

All regulations adopted herein are subject to any rule or regulation heretofore or hereafter adopted by the state fire marshal pursuant to "an Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", commonly referred to as the "Gasoline Storage Act," 430 ILCS 15/0.01 et seq.

**7TCC 5-1 (i) Illinois Department of Public Health.**

No regulation adopted herein shall be enforced if it is in conflict with any rule of the Illinois Department of Public Health.

**7TCC 5-1 (j) References in codes adopted herein by reference.**

- (1) Any reference to the "code official", or "building official" shall be read as the "Community Development Administrator."
- (2) Any reference to the "code official" under Article 4 Property Maintenance of this Code shall read as "Community Development Administrator" and "Tazewell County Director of Health".
- (3) Any reference to the "International Zoning Code" shall be read as the "Zoning Ordinance of the County of Tazewell, Illinois," Tazewell County Code, Title 7, Chapter 1.
- (4) Any reference to the "International Plumbing Code" shall be read as the "Illinois Plumbing Code, Part 890 Illinois Administrative Code."
- (5) Any reference to the "ICC Electrical Code" shall be read as the "NFPA 70, National Electrical Code, 2008 Edition."
- (6) Any reference to the "fire code official" shall be read as "fire protection district or their designee."
- (7) Any reference to "occupancy permit" shall be read as "certificate of compliance".

**7TCC 5-1 (k) Fees.**

- (1) Fees required under this chapter and the codes adopted herein by reference are set forth in Appendix A, at the end of this chapter.
- (2) All applications submitted for approval under the codes adopted herein by reference shall be accompanied by payment of a fee as adopted by the Tazewell County Board from time to time to defray the costs incurred by the county in reviewing the application. No application shall be considered to be complete until such fee has been paid. No permit required by any of the codes adopted herein by reference shall be issued until the applicable fee has been paid.

- (3) Whenever the Community Development Administrator determines that any tests are required to determine compliance with any of the codes adopted herein by reference or determines that an expert's opinion is required to determine compliance with any said codes, the costs of such tests and fees of such experts shall be paid by the owner and/or permit applicant.

**7TCC 5-1 (l) Posting of violation notices.**

- (1) Whenever the Community Development Administrator determines that a violation of any of the codes adopted herein by reference exists, in addition to the requirements of said codes, he shall cause a notice of such violation to be posted in a conspicuous place near the main entrance of the affected building.
- (2) The notice shall be at least nine (9) inches in height and fourteen (14) inches in width and at the top thereof in large letters shall state "Notice of Violation." The text of the notice shall contain a reference to the provision of the code violated and may contain such other information respecting the nature of the violation as the Community Development Administrator deems advisable.
- (3) Upon removal of the cause of the violation for which the notice is posted, the Community Development Administrator or their designee shall remove the notice.

**7TCC 5-1 (m) Other County regulations and the Illinois Environmental Barriers Act.**

Any permit required under this chapter and the codes adopted herein by reference shall be issued only after the Community Development Administrator determines that the work requiring a permit complies with all other applicable regulations of the county and the Illinois Environmental Barriers Act (410 ILCS 25/1 et seq. now in effect or as hereafter amended), if applicable.

## **ARTICLE 2. BUILDING CODE**

**7TCC 5-2 (a) Compliance with 2006 International Building Code required.**

The 2006 International Building Code is hereby adopted by reference. No appendices are adopted.

**7TCC 5-2 (b) Amendments to the 2006 International Building Code.**

- (1) Section 101.1 "Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of Tazewell County, hereafter referred to as "this code."

(2) Section 101.4.4 “Plumbing”. The second sentence of Section 101.4.4 is hereby deleted in its entirety.

(3) Section 101.4.7 “Energy” is hereby deleted in its entirety.

(4) Section 103.1 “Creation of enforcement agency” is hereby amended to read as follows:

Section 103.1 Creation of enforcement agency. The Community Development Department shall be the Department of Building Safety, and the Community Development Administrator shall be in charge thereof.

(5) Section 104.6 “Right of Entry” is hereby amended by adding the following sentence:

All inspections are subject to constitutional restrictions on unreasonable searches and seizures.

(6) Section 104.8 “Liability” is hereby deleted in its entirety.

(7) Section 105.1 is hereby amended to read as follows:

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move or demolish a building or structures, or change the occupancy of a commercial or industrial building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application with the building official and obtain the required permit.

(8) Section 105.2 “Work exempt from permit”, Building (6), is hereby amended to read as follows:

Building:

6. Sidewalks not more than 30 inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.

(9) Section 105.4 “Validity of Permit” is hereby amended by deleting the last sentence.

(10) Section 106.1 “Submittal documents” insert the following as part of 106.1:

The construction documents shall be drawn to scale and show the size and depth of the footing/foundation; the dimensioned floor plan, the plan elevations, the electrical plan, and the plumbing plan. Construction documents for new construction, structural alteration, or addition of and to buildings or structure for commercial and industrial use must be reviewed and sealed by a registered design engineer.

- (11) Section 108.4 “Work commencing before permit issuance” is hereby deleted in its entirety.
- (12) Section 108.6 “Refunds” is hereby deleted in its entirety.
- (13) Section 109.3 “Required inspections” is hereby deleted in its entirety and the following language is substituted in lieu thereof:

Section 109.3 “Discretionary inspections" Any property on which construction or work is being performed which requires a building permit may be inspected by the County at any time and from time to time.

Section 109.3A “Required inspections” the County shall inspect any property undergoing construction or work requiring a building permit at the following stages:

- 1. After completion of the foundation, and prior to backfill and/or the pouring of footings;
- 2. After completion of the framing and rough-in of electrical and plumbing, and before those portions of the structure are covered;
- (3) After completion of the building or structure, and before the issuance of the certificate of occupancy.

It is the responsibility of the property owner to notify the building official of the time that the property will be in a state which requires inspection. Upon receiving such notification, the Community Development Administrator shall arrange for the property to be inspected within a reasonable time period.

- (14) Section 110.1 “Use and occupancy” is hereby amended to read as follows:

110.1 Use and occupancy. No industrial or commercial building or structure shall be used or occupied, and no change in the existing occupancy classification of a commercial or industrial building or structure or portion thereof shall be made until the building official has issued a certification of compliance thereof as provided herein. Issuance of a certificate of compliance shall not be construed as an approval of a violation of the provisions of this code or of other County ordinances.

- (15) Section 111 “Service Utilities” is hereby deleted in its entirety.

- (16) Section 112 “Board of Appeals” is hereby amended to read as follows:

Section 112.1. Board of Appeals Appeal Submittal. An application for an Appeal to the Tazewell County Zoning Board of Appeals (ZBA) shall be based on a claim that the true intent of this ordinance or the rules legally adopted there under has been incorrectly interpreted, the provisions of this code do not fully apply, or an equal or better form of construction is

proposed. The Board shall have no authority to waive the requirements of this Ordinance. Such Appeal shall be taken within 20 days of the date of the action from which it is taken by filing with the Community Development Administrator and with the Zoning Board of Appeals a Notice of Appeal, specifying the grounds thereof.

Section 112.2 Procedures. The Zoning Board Appeals shall follow the provisions of Title 7, Chapter 1, Article 27, Article 29 and Article 34 of the Tazewell County Zoning Code.

- (17) Section 113.1 “Unlawful Acts” is hereby amended to read as follows:

113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to occupy any commercial or industrial building or structure regulated by this code, or to erect, construct, alter, extend, repair, move, remove or demolish any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

- (18) Section 113.2 “Notice of Violation is hereby amended to read as follows:

113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a commercial or industrial building or structure or a portion thereof in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

- (19) Section 113.3 “Prosecution of Violation” is hereby deleted in its entirety.

- (20) Section 113.4 “Violation penalties” is hereby deleted in its entirety.

- (21) Section 114 “Stop Work Order” is hereby deleted in its entirety.

- (22) Chapter 2 “Definitions” is hereby amended as follows:

Subsection 201.5 is hereby added to read as follows:

201.5. Conflicting Definitions. In the event any definition(s) listed in Section 202 conflict with any definition(s) in any other Tazewell County Code or Ordinance, such definition(s) shall have the meanings ascribed to them in those codes or ordinances.

- (23) Section 202 “General Definitions” the definitions of “Substantial Damage and “Substantial Improvement” are hereby deleted in their entireties.

- (24) Section 801.1.3 “Applicability” is hereby deleted in its entirety.

- (25) Section 1107.7.5 “Design flood elevation” is hereby deleted in its entirety.

- (26) Section 1203.3.2 "Exception No. 5" is hereby deleted in its entirety
- (27) Section 1403.5 "Flood resistance" is hereby deleted in its entirety
- (28) Section 1403.6 "Flood resistance for high-velocity wave action areas is hereby deleted in its entirety.
- (29) Section 1603.1.6 "Flood design data" is hereby deleted in its entirety.
- (30) Section 1612 "Flood loads" is hereby deleted in its entirety.
- (31) Section 1803.4 "Grading and fill in flood hazard areas" is hereby deleted in its entirety.
- (32) Section 1807.1.2.1 "Flood hazard areas" is hereby deleted in its entirety
- (33) Chapter 27 "Electrical Systems" is hereby deleted in its entirety and the following language is substituted in lieu thereof:

Chapter 27, Electrical Systems. The NFPA 70, National Electrical Code, 2008 Edition shall be followed for all design and installation of electrical systems, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

- (34) Chapter 29 "Plumbing Systems" is hereby deleted in its entirety and the following language is substituted in lieu thereof:

Chapter 29, Plumbing Systems. The current State of Illinois Plumbing Code shall be followed for all design and installation of plumbing systems, including sanitary and storm drainage, sanitary facility, water supply and stormwater and sewage disposal in buildings.

- (35) Section 3001.2 "Referenced standards" is hereby deleted in its entirety.
- (36) Section 3102.7 "Engineering design" is hereby amended to read as follows:

3102.7 Engineering design. The structure shall be designed and constructed to sustain dead loads; loads due to tension or inflation; live loads including wind, snow, or seismic loads and in accordance with Chapter 16.

- (37) Chapter 34 "Existing structures" is hereby deleted in its entirety.

## **ARTICLE 3 EXISTING BUILDING CODE**

### **7TCC 5-3 (a) Compliance with the 2006 International Existing Building Code Required.**

The 2006 International Existing Building code is hereby adopted by reference. No appendices are adopted.

### **7TCC 5-3 (b) Amendments to the 2006 International Existing Building Code.**

The 2006 International Building Code as adopted herein by reference, is amended as provided in this section.

- (1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building code of Tazewell County, hereinafter referred to as “this code”.

- (2) Section 101.2 “Scope” is hereby amended to read as follows:

Section 101.2 Scope. The provisions of this code shall apply to any repairs, alternation, additions or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value as shown on record in the Office of Tazewell County Supervisor of Assessments. Repairs, alternations, additions and other improvements complying with the provisions of the International Building Code, International Mechanical Code, State of Illinois Plumbing Code, International Property Maintenance Code and NFPA 70: National Electrical Code 2008 Edition as applicable shall be considered in compliance with the provisions of this code.

- (3) Section 101.3 “Intent” is hereby amended to read as follows:

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health safety, and welfare insofar as they are affected by the repair, alteration, addition or other improvement of a building or structure.

- (4) Section 103.1 “Creation of enforcement agency” is hereby amended to read as follows:

Section 103.1 Creation of enforcement agency. The Community Development Department shall be the Department of Building Safety, and the Community Development Administrator shall be in charger thereof.

- (5) Section 104.6 “Right of Entry” is hereby amended by adding the following language:

All inspections are subject to constitutional restrictions on unreasonable searches and seizures.

- (6) Section 104.8 “Liability” is hereby deleted in its entirety.
- (7) Section 104.10.1 “Flood hazard areas” is hereby deleted in its entirety.
- (8) Section 105.2. “Work exempt from permit” Building (1), is hereby amended to read as follows:

Section 105.2 Work exempt from permit.

Building:

- 1. Sidewalks not more than 30 inches (762 mm) above grade and not over any basement or story below and that are not part of an accessible route.

- (9) Section 105.4 “Validity of permit” the last sentence is hereby amended to read as follows:

The code official is also authorized to prevent occupancy or use of a commercial or industrial structure where in violation of this code.

- (10) Section 106.1 “Submittal documents” insert the following as part of 106.1:

The construction documents shall be drawn to scale and show the size and depth of the footing/foundation; the dimensioned floor plan, the plan elevations, the electrical plan, and the plumbing plan. Construction documents for new construction, structural alteration, or addition of and to buildings or structure for commercial and industrial use must be reviewed and sealed by a registered design engineer.

- (11) Section 106.1.2 “Means of egress” is hereby amended to read as follows:

Section 106.1.2 Means of egress. Construction documents for alterations Level 2, alterations Level 3, and additions shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated in every work area of every floor and all affected rooms and spaces.

- (12) Section 106.2 “Site plan”. The last sentence is hereby amended to read as follows:

The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alternation or repair.

Section 108.4 “Work commencing before permit issuance, is hereby deleted in its entirety.

- (13) Section 109.3 “Required inspections” is hereby deleted in its entirety and the following language is substituted in lieu thereof:

Section 109.3 “Discretionary inspections” Any property on which construction or work is being performed which requires a building permit may be inspected by the County at any time and from time to time.

Section 109.3A “Required inspections” the County shall inspect any property undergoing construction or work requiring a building permit at the following stages:

1. After completion of the foundation, and prior to backfill and/or the pouring of footings;
2. After completion of the framing and rough-in of electrical and plumbing, and before those portions of the structure are covered;
3. After completion of the building or structure, and before the issuance of the certificate of occupancy.

It is the responsibility of the property owner to notify the building official of the time that the property will be in a state which requires inspection. Upon receiving such notification, the Community Development Administrator shall arrange for the property to be inspected within a reasonable time period.

- (14) Section 110.1 “Altered area use and occupancy classification change” the first sentence is hereby amended to read as follows:

No altered area of a commercial or industrial building which is subject to this code shall be used or occupied until the code official has issued a certificate of compliance therefore.

- (15) Section 111.3 “Authority to disconnect service utilities” is hereby deleted in its entirety.

- (16) Section 112 “Board of Appeals” is hereby amended to read as follows:

Section 112.1. Board of Appeals Appeal Submittal. An application for an Appeal to the Tazewell County Zoning Board of Appeals (ZBA) shall be based on a claim that the true intent of this ordinance or the rules legally adopted there under has been incorrectly interpreted, the provisions of this code do not fully apply, or an equal or better form of construction is proposed. The Board shall have no authority to waive the requirements of this Ordinance. Such Appeal shall be taken within 20 days of the date of the action from which is it taken by filing with the Community Development Administrator and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof.

Section 112.2 Procedures. The Zoning Board Appeals shall follow the provisions of Title 7, Chapter 1, Article 27, Article 29 and Article 34 of the Tazewell County Zoning Code when hearing the appeal.

- (17) Section 113.1 “Unlawful Acts” is hereby amended to read as follows:

Section 113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to occupy any commercial or industrial building or structure regulated by this code, or to erect, construct, alter, extend, repair, move, remove or demolish any building, structure or equipment regulated by this code, or cause same to be done, conflict with or in violation of any of the provisions of this code.

- (18) Section 113.2 “Notice of Violation” is hereby amended to read as follows:

Section 113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

- (19) Section 113.3 “Prosecution of Violation” is hereby deleted in its entirety.

- (20) Section 113.4 “Violation penalties” is hereby deleted in its entirety.

- (21) Section 114 “Stop Work Order” is hereby deleted in its entirety.

- (22) Section 115 “Unsafe buildings and equipment” is hereby deleted in its entirety.

- (23) Section 116 “Emergency Measurers” is hereby deleted in its entirety.

- (24) Chapter 2 “Definitions” is hereby amended as follows:

Subsection 201.5 is hereby added to read as follows:

201.5. Conflicting Definitions. In the event any definition(s) listed in Section 202 conflict with any definition(s) in any other Tazewell County Code or Ordinance, such definition(s) shall have the meanings ascribed to them in those codes or ordinances.

- (25) Section 202 “General Definitions” the definitions of “Substantial Damage and “Substantial Improvement” are hereby deleted in their entirety.

- (26) Section 302.1.1 “Flood hazard areas” is hereby deleted in its entirety

- (27) Section 306.2 “Flood hazard areas” is hereby deleted in its entirety

- (28) Section 501.4 "Flood hazard areas" is hereby deleted in its entirety
- (29) Section 506.2.5 "Flood hazard areas" is hereby deleted in its entirety
- (30) Section 509 "Plumbing" is hereby deleted in its entirety
- (31) Section 601.3 "Flood hazard areas" is hereby deleted in its entirety
- (32) Section 1003.5 "Flood hazards areas" is hereby deleted in its entirety
- (33) Section 1101.4 "Flood hazards areas" is hereby deleted in its entirety
- (34) Section 1202.6 "Flood hazards areas" is hereby deleted in its entirety
- (35) Section 1301.3.3 "Compliance with flood hazard provisions" is hereby deleted in its entirety.

#### **ARTICLE 4. PROPERTY MAINTENANCE CODE**

##### **7TCC 5-4 (a) Compliance with 2006 International Property Maintenance Code required.**

The 2006 International Property Maintenance Code is hereby adopted by reference.

##### **7TCC 5-4 (b) Amendments to the 2006 International Property Maintenance Code.**

The 2006 International Property Maintenance Code as adopted herein by reference is amended as provided in this section.

- (1) Section 101.1 "Title" is hereby amended to read as follows:

101.1. Title. These regulations shall be known as the Property Maintenance Code of Tazewell County, hereinafter referred to as "this code."

- (2) Section 101.2 "Scope" is hereby amended to read as follows:

Section 101.2 Scope. The provisions of this code shall apply to all existing commercial and industrial buildings and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures, and premises, and for administration, enforcement and penalties.

- (3) Section 103.1 "General" is hereby amended to read as follows:

103.1. General. The Tazewell County Community Development Department and Tazewell County Health Department shall be the Departments of Property Maintenance and the Community Development Administrator and the Tazewell County Director of Health shall be in charge thereof.

- (4) Section 103.2 “Appointment” is hereby deleted in its entirety.
- (5) Section 103.4 “Liability” is hereby deleted in its entirety.
- (6) Section 103.5 “Fees” is hereby deleted in its entirety.
- (7) Section 106.3 “Prosecution of violation” is hereby deleted in its entirety.
- (8) Section 106.4 “Violation penalties” is hereby deleted in its entirety.
- (9) Section 106.5 “Abatement of violation” is hereby deleted in its entirety.
- (10) Section 107.2. “Form” is hereby amended to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

- 1. Be in writing.
- 2. Include a statement of the violation or violations and why the notice is being issued.
- 4. Include a correction order allowing a reasonable time to make the repairs and improvement required to bring the dwelling unit or structure into compliance with the provisions of this code.
- 5. Inform the property owner of the right to appeal.
- 6. Include a statement of the right to file a lien.

- (11) Section 107.4 “Penalties” is hereby deleted in its entirety.
- (12) Section 107.5 “Transfer of ownership” is hereby deleted in its entirety.
- (13) 108.3 “Notice” is hereby amended to read as follows:

Section 108.1 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2. All notices shall also comply with 7TCC 5-1 (m), Article I of the Tazewell County Building and Property Maintenance Code.

- (14) Section 108.4 “Placarding” shall be deleted in its entirety.
- (15) Section 108.4.1 “Placard removal” shall be deleted in its entirety.

- (16) Section 108.5 "Prohibited occupancy" is amended to read as follows:

Section 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official.

- (17) Section 109.3 "Closing Streets" shall be deleted in its entirety.

- (18) Section 109.4 "Costs of emergency repairs" is hereby amended to read as follows:

Section 109.4 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the County. The State's Attorney may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

- (19) Section 110.3. "Failure to comply" is hereby deleted in its entirety and the following language is substituted in lieu thereof:

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, which shall not be less than 15 days' notice, the code official shall request the State's Attorney's Office to apply to the circuit court for an order of demolition pursuant to Section 5-1121 of the Counties Code (55 ILCS 5/5-1121).

- (20) Section 111 "Means of Appeal" is hereby deleted in its entirety and the following language is substituted in lieu thereof:

Section 111 "Board of Appeals"

Section 111.1. Board of Appeals Appeal Submittal. An application for an Appeal to the Tazewell County Zoning Board of Appeals (ZBA) shall be based on a claim that the true intent of this ordinance or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or an equal or better form of construction is proposed. The Board shall have no authority to waive the requirements of this Ordinance. Such Appeal shall be taken within 30 days of the date of the action from which is it taken by filing with the Community Development Administrator and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof.

Section 111.2 Procedures. The Zoning Board Appeals shall follow the provisions of Title 7, Chapter 1, Article 27, Article 29 and Article 34 of the Tazewell County Zoning Code.

- (21) Section 202 "General Definitions" is hereby amended as follows:

The definitions of "Strict Liability Offense" and "Inoperable Vehicle" are hereby deleted in their entireties.

- (22) Section 302.4 "Weeds" is hereby amended as follows:

Section 302.4 Weeds. Refer to Title 6, Chapter 1, Sub-Chapter B, 6TCC 1-12. Weeds, Plants and Grass Over Certain Height Declared a Nuisance of the Tazewell County Code.

(23) Section 302.8 “Motor Vehicles” is hereby deleted in its entirety.

(24) Section 304.14 “Insect Screens” is hereby amended to read as follows:

Section 304.14 Insect Screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any area 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 screen door used for insect control shall have a self closing device in good working condition.

(25) Section 307 “Rubbish and Garbage” is hereby deleted in its entirety including subsections.

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

(26) Section 602.3 “Heat Supply” is hereby amended to read as follows:

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 1 to maintain of not less than 68°F (20° Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°) a minimum of 65°F (18°C) shall be maintained.

## **ARTICLE 5 (RESERVED)**

## **ARTICLE 6 ELECTRICAL CODE**

### **7TCC 5-6 (a) Compliance with the NFPA 70: National Electrical Code 2008 Edition Required.**

The NFPA 70: National Electrical Code 2008 Edition is hereby adopted by reference.

## **ARTICLE 7 PLUMBING CODE**

### **7TCC 5-7 (a) Compliance with the State of Illinois Plumbing Code Required.**

The current State of Illinois Plumbing Code, Part 890 Illinois Administrative Code, is hereby adopted by reference.

## **ARTICLE 8 MECHANICAL CODE**

### **7TCC 5-8 (a) Compliance with the 2006 International Mechanical Code Required.**

The 2006 International Mechanical Code is hereby adopted by reference. In addition, the following Appendices to the 2006 International Mechanical Code are also adopted by reference: Appendix A – Combustion air openings and chimney connector pass-throughs

### **7TCC 5-8 (b) Amendments to the 2006 International Mechanical Code**

- (1) Section 101.1 "Title" is hereby amended to read as follows:  
  
101.1. Title. These regulations shall be known as the Mechanical Code of Tazewell County, hereinafter referred to as "this code."
- (2) Section 106.5 "Fees" is hereby deleted in its entirety
- (3) Section 106.5.1 "Work commenced before permit issuance" shall be deleted in its entirety.
- (4) Section 106.5.2 "Fee schedule" shall be deleted in its entirety.
- (5) Section 106.5.3 "Fee refunds" shall be deleted in its entirety.
- (5) Section 108.3 "Prosecution of violation" is hereby deleted in its entirety.
- (6) Section 108.4 "Violation Penalties" is hereby deleted in its entirety.
- (7) Section 301.13 "Flood Hazard" is hereby deleted in its entirety

- (8) Section 301.13.1 “High-velocity wave action” is hereby deleted in its entirety.
- (9) Section 401.4.3 “Flood hazard” is hereby deleted in its entirety
- (10) Section 602.4 “Flood hazard” is hereby deleted in its entirety
- (11) Section 603.13 “Flood hazard areas” is hereby deleted in its entirety

**ARTICLE 9  
APPENDIX "A"  
BUILDING CODE AND PROPERTY MAINTENANCE CODE  
FEE SCHEDULE**

**7TCC 5-9(a) COMMERCIAL/INDUSTRIAL/MULTI-FAMILY**

a. Plan Review Fees:

0 to 400 sq. ft.	\$50.00
401 to 1,000 sq. ft.	\$150.00
1,001 to 2,000 sq. ft.	\$200.00
2,001 to 3,000	\$250.00
3001 to 4,000	\$300.00

For each additional 1,000 square feet or fraction thereof \$50.00. Electrical, Plumbing, HVAC permits and fees are required, if applicable

All Plan Review Fees are non-refundable

**7TCC 5-9 (b) ELECTRICAL PERMITS:** (to include electrical service upgrades and revisions)

Minimum Fee: \$50.00 up to 1,500 S.F. with \$45.00 per each additional 1,500 S.F.

**7TCC 5-9 (c) PLUMBING PERMITS:**

Minimum Fee: \$45.00  
Per Plumbing Fixture: \$15.00

The term "fixture" shall include but is not limited to:

Toilets	Dishwashers	Urinals
Interceptors	Wash basins	Floor drains
Bath Tubs	Water heaters	Showers
Drinking Fountains	Sinks	Sewage Ejectors
Disposals	Water Softners	
"Roughed-in" fixtures		
Any device which a plumbing connection is required		

**7TCC 5-9 (d) HVAC PERMITS:**

- a. Heating: \$50.00 up to 1,500 S.F. with \$45.00 per additional 1,500 S.F.
- b. Cooling: \$50.00 up to 1,500 S.F. with \$45.00 per additional 1,500 S.F.

**7TCC 5-9 (e) RE-INSPECTIONS OVER INITIAL 3 INSPECTIONS:           \$50.00**

**7TCC 5-9 (f) WORK COMMENCED WITHOUT A PERMIT**

Where it is found that any permit type of work has commenced without prior permit issuance, the normal permit fee amount shall be doubled.