

11/17/04, 11/3/04, 10/20/04

**108-O-04**

**AN ORDINANCE**

**Amending Section 4-5-2 of the Evanston  
City Code With Modifications to  
Section F-502 and Section F-503 of the BOCA  
National Fire Prevention Code of 1996**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** That Section 4-5-2 of the Evanston City Code, 1979, as amended, be, and it is further amended by adding the following definitions in appropriate alphabetical order to Section F-502 of the BOCA National Fire Prevention Code of 1996:

**Automatic Sprinkler System:**

An engineered system to automatically detect and contain or suppress a fire through fixed piping and nozzles. The system shall be designed in accordance with NFPA Standards, BOCA Codes, and good fire prevention practices. The City must approve in writing all systems prior to their installation.

**BOCA Building Code:**

The Building Officials and Code Administrators International, Inc., adopted by the City.

**Dormitories:**

A space in a structure associated with or serving an educational institution, the primary use of which structure is group sleeping accommodations provided in one room, or in a series of closely associated rooms, for persons not members of the same family group including structures used for dormitories, sororities, fraternities and similar uses, but excluding rooming and lodging houses.

**Existing:**

That which is already in existence on the effective date of Ordinance 108-O-04.

**Fully Sprinklered:**

A sprinkler system that provides protection to the entire structure.

**Hospital:**

A structure under the I-2 Use Group as defined by the 1996 BOCA Building Code.

**NFPA:**

National Fire Protection Association edition as adopted by the City.

**NFPA 13:**

National Fire Protection Association Standard 13, which regulates the installation of a NFPA 13 Sprinkler System.

**Non-Owner Occupied Rooming / Lodging House:**

A Rooming / Lodging House which the owner of the property does not occupy as his or her primary residence.

**Nursing Home Facility:**

Any facility that is licensed or subject to licensure under Title 8, Chapter 15 of the Evanston City Code regulating long-term care facilities or under similar provisions in Illinois law.

**Retrofit:**

To install in, within, or on an existing structure.

**Rooming / Lodging House:**

Any facility that is licensed or subject to licensure under Title 5, Chapter 2 of the Evanston City Code regulating Lodging Establishments.

**Structure:**

That which is built or constructed.

**SECTION 2:** That Section 4-5-2 of the City Code is further amended by adding a new subsection F503.7 to read as follows:

**Section F503.7 Automatic Sprinkler Systems:**

Automatic Sprinkler Systems shall be provided in the following existing structures on the schedule established in Section F503.7.2:

- Dormitories
- Hospitals
- Non-Owner Occupied Rooming/Lodging Houses
- Nursing Homes

**Section F503.7.1 System Requirements:**

Any structures required to be retrofitted with a sprinkler system under this Ordinance shall have such a system designed and installed in accordance with the requirements under NFPA for a NFPA 13 sprinkler system as well as other applicable requirements of the BOCA Building Code and Evanston City Code.

**Section F503.7.2 Automatic Sprinkler Systems Installation Schedule:**

Existing Structures required by Section F503.7 to be retrofitted with an automatic sprinkler system shall comply with this schedule.

**1<sup>st</sup> Year:** January 1, 2005 to December 31, 2005

Complete system design and provide an adequate water supply which may include installation of a fire pump assembly to provide said supply.

Progress Report Due: January 31, 2006

**2<sup>nd</sup> Year:** January 1, 2006 to December 31, 2006

At least 33% of the structure to be retrofitted.

Progress Report Due: January 31, 2007

**3<sup>rd</sup> Year:** January 1, 2007 to December 31, 2007

At least 66% of the structure to be retrofitted.

Progress Report Due: January 31, 2008

**4<sup>th</sup> Year:** January 1, 2008 to December 31, 2008

Entire structure to be retrofitted by December 31, 2008.

Progress Report Due: January 31, 2009

For each year of this four- (4-) year period, written progress reports shall be submitted to the Evanston Fire Department's Fire Prevention Bureau by January 31<sup>st</sup> of the following year, in accordance with the above schedule. Systems can be installed earlier than the stated schedule. Requests for extensions must be in writing and received by the Fire Chief prior to December 31<sup>st</sup> preceding the year for which extension is sought. Any modifications to this schedule will require the advance written approval of the Fire Chief or his or her designee.

For perfected sprinkler permit applications filed during the period of January 1, 2005 through January 31, 2008, the City will waive sprinkler permit fees for structures required by Section F503.7 to be sprinklered, except for non-City Staff review fees. The fee waiver shall not apply to any sprinkler system installed prior to the effective date of Section F503.7.

**Section F503.7.3 Penalties:**

Failure to comply with the installation provisions of Section F503.7.2 and any extensions thereof approved in writing by the Fire Chief or his or her designee shall subject the violator to the following penalties.

Failure to meet the requirements for Year 1:	\$ 1,000.00
Failure to submit Year 1 Progress Report:	\$ 250.00
Failure to meet the requirements for Year 2:	\$ 2,000.00
Failure to submit Year 2 Progress Report:	\$ 250.00
Failure to meet the requirements for Year 3:	\$ 3,000.00
Failure to submit Year 3 Progress Report:	\$ 250.00
Failure to meet the requirements for Year 4:	\$ 4,000.00
Failure to submit Year 4 Progress Report:	\$ 250.00

\$500.00 per month for each month after January 31, 2009. The City may, in addition to monetary penalties, avail itself of any legal or equitable remedy provided for by law.

Occupancies for which a City license is required are not eligible to obtain or retain said license if they fail to meet the schedule imposed by Section F503.7.2 and any extension thereof approved in writing by the Fire Chief or his or her designee.

**Section F503.7.4 Appeal Process:**

A. Any owner or operator ("Appellant") of a facility or structure subject to the sprinkler retrofit requirements of Section F503.7 aggrieved by any decision, interpretation, or order of the Fire Official regarding Section F503.7, may appeal such decision, interpretation, or order to the Fire Chief by filing a written appeal with the Fire Chief within thirty (30) days of the decision, interpretation, or order appealed from. Computation of the thirty- (30-) day period shall begin on the fourth (4<sup>th</sup>) business day after deposit of the decision, interpretation, or order in question in the U.S. mail, first-class postage prepaid, return-receipt requested, or, in the case of personal delivery, upon the first day after such delivery. The appeal shall state with specificity the objection(s) to the action of the Fire Official appealed from, a factual basis for the Fire Chief to find in the Appellant's favor on the provisions of Section F503.7.4.1 or F503.7.4.2 appealed from, the relief sought, and shall be accompanied by legible copies of all documentation the Appellant relies on to support his or her appeal. The burden is on the Appellant to provide sufficient information to enable the Fire Chief to determine the merits of the relief sought. The Fire Chief shall decide the appeal on the written evidence submitted within a reasonable time, having due regard for the public interest and the complexity of the issues. The decision shall be in writing, shall contain specific findings to support the decision made, and shall advise the Appellant of his or her right to appeal the decision to the Circuit Court.

B. The Fire Chief shall grant the appeal or modify the decision, interpretation, or order appealed from only upon finding that:

1. That the facility or structure is not subject to the Ordinance; or
2. That the systems, methods, or devices proposed by the Appellant are of superior quality, strength, fire resistance, effectiveness, durability and safety over those prescribed by the applicable Codes adopted by the City.

C. If the appeal is from denial of an extension of compliance time, the Fire Chief shall grant the appeal only upon a finding that the Appellant has acted with due diligence, and that if further time is given, compliance will be achieved during the period of extension.

**Section F503.7.6 Severability:**

The provisions of this Section F503.7 shall be interpreted so as to not be in conflict with the laws of the State of Illinois or any other limitations imposed by law. In the event, however, that any Section, paragraph, provision, sentence, or clause of this Section F503.7 is declared unconstitutional by a court of competent jurisdiction, that determination will not affect the other remaining provisions of this Section F503.7.

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 25, 2004

Adopted: November 22, 2004

Approved: December 3, 2004

Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Mary E. Morris  
Mary E. Morris, City Clerk

Approved as to form:

[Signature]  
Corporation Counsel