

3/25/2005

5-O-05

**AN ORDINANCE
Amending Title 4, Chapter 2 of the City Code,
the "Building Code",
by Deleting the Existing Text and
Adopting the 2003 International Building Code by Reference
with Certain Amendments**

WHEREAS, the City Council of the City of Evanston considers it in the public interest to adopt as its standard for building construction, alteration, and installation permits the *2003 International Building Code*; and

WHEREAS, the City has caused three (3) copies of the aforesaid Code to be kept on file in the office of the City Clerk for public inspection for a period of more than thirty (30) days prior to the adoption of this Ordinance; and

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

SECTION 1: That Title 4, Chapter 2 of the City Code of the City of Evanston, 1979, as amended, be, and hereby is deleted in its entirety, and a new Title 4, Chapter 2, "Building Code", substituting the following therefor to read as follows:

4-2-1: ADOPTION OF THE 2003 INTERNATIONAL BUILDING CODE:

(A) Pursuant to the authority granted by Chapter 65, Section 5/1-2-4 of the *Illinois Compiled Statutes* and pursuant to its home rule powers, the City of Evanston hereby adopts by reference the *2003 International Building Code*, with the exceptions and amendments below stated. All advisory or text notes,

other than the rules and regulations contained in the *2003 International Building Code* adopted hereby are expressly excluded from this Chapter.

(B) Any reference in the *2003 International Building Code*, to "Building Official" shall refer to the Assistant Director of Community Development for the Building Division. Any reference to "municipality" shall mean the City of Evanston.

(C) **Amendments, additions, exceptions:** The *2003 International Building Code* adopted hereby shall read as follows with respect to these sections:

101.2: Scope: The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions: Detached one- (1-) and two- (2-) family dwellings not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code* adopted by the City.

101.4.1: Electrical: The provisions of the *National Electric Code* adopted by the City shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.4: Plumbing: The provisions of the *International Plumbing Code* adopted by the City shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.6: Fire prevention: The provisions of the *2003 NFPA Life Safety Code 101* adopted by the City shall apply to matters affecting or relating to structures, processes, and premises from the hazard of fire and explosion arising from the storage, handling, or use of structures, materials, or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration, or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7: Energy: Delete.

103: DEPARTMENT OF COMMUNITY DEVELOPMENT:

103.1: Creation of enforcement agency: The Assistant Director, Community Development, Building Division, shall be known as the "Building Official."

103.2: Appointment:

103.3: Deputies: The Building Official shall have the authority to appoint such technical officers, inspectors, plan examiners and other employees as he or she deems necessary to effectuate the purposes of this Code. Such employees shall have powers as delegated by the Building Official. For the maintenance of existing properties, see the *International Property Maintenance Code* adopted by the City.

104.6: Right of entry: This section shall be deleted in its entirety from the *2003 International Building Code*, adopted hereby, and the following Section 104.6 substituted therefor:

104.6: Right of entry: The Building Official and his authorized representatives are hereby authorized to make inspections of all buildings, structures, and premises located within the City to determine their compliance with the provisions of this Chapter. For the purpose of making such inspections, the Building Official and his authorized representatives are hereby authorized to examine and survey all buildings, structures, and premises within the City. Such inspections shall be made between the hours of 7:30 a.m. and 8:00 p.m., unless circumstances dictate the need for earlier or later inspections, and any days except Sunday, subject to the following standards and conditions:

a) Such inspections may take place only if: 1) a complaint respecting said premises has been received by the Building Official and such complaint, in the opinion of said Building Official, provides reasonable grounds for belief that a violation exists, or 2) if such inspection is undertaken as part of a regular inspection program whereby certain areas of the City are being inspected in their entirety by direction of the Building Official or the City Manager, or 3) if said official has other personal knowledge of conditions providing reasonable grounds to believe that a violation exists;

b) Such inspections shall be made by the Building Official or the City Manager or by any duly authorized representative upon direction of either of said officers;

c) Any person making such inspection shall furnish to the owner or occupant of the structure sought to be inspected, sufficient identification and information to enable the owner or occupant to determine that

he is a representative of the City of Evanston and to determine the purpose of said inspection.

105.2: Work exempt from permit: This section is omitted entirely. Contact the Building Division of Community Development for information regarding work exempt from permits.

105.7: Placement of permit: The building permit or a legible copy of the building permit shall be kept on the site of operations, open to public inspection during the entire time of prosecution of the work and until the completion of the same. Said permit must be posted within forty-eight (48) hours of permit issuance, must remain posted until a certificate of occupancy is issued or the permit expires, and must be visible from the public way. Failure to post and maintain the permit as required by this section may result in revocation of the building permit and forfeiture of all permit fees.

105.8: Hours of work permitted for the construction, repair, and demolition of buildings: The creation (including excavation), demolition, alteration or repair of any building within the City, other than between the hours of seven o'clock (7:00) a.m. and nine o'clock (9:00) p.m. on weekdays, and eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. on Saturdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City Manager or his or her designee, or the Director of Community Development or his or her designee, which permit may be granted while the emergency continues. If the City Manager, his or her designee, or the Director of Community Development, or his or her designee, should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building, or the excavation of streets and highways between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. on weekdays, and before eight o'clock (8:00) a.m. and after five o'clock (5:00) p.m. on Saturdays, and if it shall further be determined that loss or inconvenience would result to any party in interest, said official may grant permission for such work to be done between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. on weekdays, and before eight o'clock (8:00) a.m. and after five o'clock (5:00) p.m. on Saturdays upon request. Sandblasting, jackhammering, or similar noise-producing activities are prohibited between six o'clock (6:00) p.m. and seven o'clock (7:00) a.m. weekdays, between six o'clock (6:00) p.m. Friday and eight o'clock (8:00) a.m. Saturday, and between five o'clock (5:00) p.m. Saturday and seven o'clock (7:00) a.m. Monday unless special permission is granted by the City Manager or his or her designee. In addition, any other construction noise which exceeds a decibel level of eighty (80) (measured from the property line from which the noise is emanating) is prohibited between six o'clock (6:00) p.m. and seven o'clock (7:00) a.m. weekdays, between six o'clock (6:00) p.m. Friday and eight

o'clock (8:00) a.m. Saturday, and between five o'clock (5:00) p.m. Saturday and seven o'clock (7:00) a.m. Monday unless special permission is granted by the City Manager or his or her designee. (Ord. 20-O-92).

106.1: Information on construction documents: Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the Building Official. All floor plans, including mechanical, electrical, plumbing and fire protection plans, shall indicate all required Fire Ratings and where they occur by graphic means with a legend or key.

110: DIGITAL SUBMISSION OF CONSTRUCTION DOCUMENTS PRIOR TO ISSUE OF CERTIFICATE OF OCCUPANCY:

1) In addition to the requirement of filing hard-copy construction documents, submission of a series of construction/design documents in a computer digital format is required as part of the permitting process prior to the issuance of any Final Certificates of Occupancy pursuant to the guidelines stated immediately below if one or more of the following applies:

a) The valuation of the construction project is, in its entirety, greater than \$500,000.00 (five hundred thousand and no/100 dollars).

b) When the Director of Community Development, or his or her designee, determines that there are significant changes to the physical characteristics of the property or the structures on or around that property to warrant the submission of electronic documents.

2) Digital data shall be submitted according to the following guidelines:

a) The digital data submission shall contain the following three (3) document types:

i) **Site plan:** A plan view, drawn to scale, depicting the project's location and showing at a minimum: property lines, building footprints, building elevation changes, sidewalks, driveways, proximate reference points identifiable within the City, and any fire lanes.

ii) **Floor plan:** Exterior plan view for each floor, drawn to scale, showing at a minimum: interior walls, exterior walls, doors, and any stairs and elevators.

iii) **Elevation views:** Exterior profile view, drawn to scale, showing at a minimum: height of building sections, main entrance, and roofline.

b) Data shall be submitted via Compact Disk, 3-½" floppy disk, FTP, E-mail or any other media deemed permissible by the Director of Community Development or his or her designee.

c) All digital submissions shall be in a format approved by the City's Geographical Information Systems Division.

d) The data must be a proportionally accurate representation of the construction project, sufficient to fully explain and reproduce the project, with the defined scale clearly represented.

e) The permit applicant shall resubmit newly updated information pursuant to the above requirements whenever the applicant or his agent makes corrections or updates to the originally submitted information requiring the resubmission of printer-paper documents.

3) Upon request by the person required to submit information in a digital format, or if that party is unwilling or unable to digitally submit information, the City's Geographical Information Systems Division will digitally convert paper-based submitted documents. The fee for digital conversion shall be \$100.00 (one hundred and no/100 dollars) for each submitted page equal to or smaller than ledger-sized (11" by 17") paper, ~~or smaller,~~ and \$200.00 (two hundred and no/100 dollars) for each submitted page exceeding ledger-sized (11" by 17") paper. ✓

4) Any person who fails to comply with all requirements of this Section shall be subject to denial or revocation of any Temporary or Final Certificates of Occupancy pertaining to the project for which the violation has occurred. Denial or revocation of any Temporary or Final Certificates of Occupancy shall not preclude the City from seeking fines, costs, and other relief against the violator by filing a complaint or citation with the Circuit Court or Division of Administrative Hearings.

112: MEANS OF APPEAL: This section shall be deleted in its entirety from the *2003 International Building Code*, adopted hereby, and these Sections substituted therefor:

112.1: Application for appeal: Any person ("the Petitioner") affected by a decision of the Code Official or a notice, or order issued under this Code shall have the right to appeal to the City's Property Services Board, Title 4, Chapter 18 of the City Code, provided that a written application for appeal is filed within fifteen (15) days after the day of the decision, notice, or order was served. For purposes of this Section, a decision, notice, or order is "served" upon delivery, in the case of personal delivery, and, in the case of mailing, five (5) days after deposit in the U.S. Mail with first-class postage prepaid. The Code Official shall transmit the appeal to the Property Services Board within three (3) business days of its filing. A person is "affected" for the purposes of an appeal pursuant to this Section when the person has a material or definitive interest in the decision, notice, or order of the Code Official. An application for appeal shall be based on a claim that the true intent of this Code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

The application for appeal must be in writing and include a statement of the proposal, together with any and all documentation which would aid the Board in its deliberations.

112.2: Appeal Form: The appeal shall be filed at the Permit Desk of the Community Development Department on a form ("the Appeal Form") provided for that purpose by the Code Official and made available to the public.

112.3: Notice of Property Services Board Meeting: The Property Services Board shall convene upon notice of the Chair, within fifteen (15) days of the filing of an appeal. The Building Official shall give written notice of the meeting date, time, and location in the Civic Center to the Petitioner.

112.4: Hearing Procedure: Hearings shall be conducted in accordance with written procedures on file with the Permit Desk in the Community Development Department.

112.5: Hearing Notice: Notice shall be given of the time, place, and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the requirements set forth in the hearing procedures. The sign shall be posted not less than three (3) days before the hearing to which it refers.

112.6: Board decisions: Board decisions shall be in writing and issued within two (2) business days after the close of the hearing. In reaching its decision, the Board may consider whether the decision, notice, or order appealed from

was based upon a correct interpretation of this Code, on the rules legally adopted thereunder, whether the provisions of the Code do not fully apply, or whether the requirements of this Code are adequately satisfied by other means. The Petitioner shall establish by a clear preponderance of the evidence that his proposal is equivalent or superior to the adopted Code requirement. The decision shall state that the decision is a final administrative decision which may be appealed to the Circuit Court under the Administrative Review Law, 735 ILCS 5/3-101, *et seq.*, within thirty-five (35) days of delivery of the decision. Failure to secure the concurring votes of a majority of Board members present where a quorum has been obtained shall be deemed a confirmation of the decision of the Building Official.

112.7: Effect of Appeal: The appeal shall stay the decision, notice, or order appealed from, unless the Building Official certifies to the Property Services Board after the appeal has been filed that a stay would in the Code Official's opinion cause imminent peril to life or property. In such case, the suspension or revocation shall not be stayed unless a restraining order is issued by a court of competent jurisdiction, and then only if due cause can be conclusively shown.

403.15 Response cart: In any high-rise structure or structure where the layout of the buildings makes it difficult to mobilize equipment close to the interior of the structure, a Response Cart is required by the Fire Official. The cart includes, but is not limited to, the following equipment:

- Extra Deep Shelf Cart on wheels
- 100 feet of 1-3/4" hose with National Standard Threads lightweight rocker lugs
- 100 feet of 2-1/2" hose with National Standard Threads lightweight rocker lugs
- Nozzle as specified by Fire Department
- Nozzle tip as specified by Fire Department
- Wye appliance
- Female to male reducer adapter
- 2 Spanners
- 30" Haligan Bar
- 8 lb. Pick-Head Axe
- Sledge Hammer

406.0: Carbon monoxide detector: A house-current carbon monoxide detector is required within fifteen feet (15') of sleeping areas of single-family and multi-family homes with attached garages. In new home construction with attached garages, the detector is to be hard-wired.

901.2.1: Emergency key box: Delete.

901.2.2: Contents and key box: Delete.

901.3: Modifications: No person shall remove or modify any fire protection system installed or maintained under the provisions of this Code or the *2003 International Building Code* without approval by the Fire Official.

903.3.3.1: Movable file or storage shelving units: Movable shelving storage units present a unique problem for sprinkler systems in that the units hold a large fire load and compress to a point where sprinkler water penetration is difficult at best. In order to address these installations, any movable file/storage system must comply with the following sprinkler requirements:

1) Storage height cannot exceed twelve feet (12') and must have a clearance of eighteen inches (18") from the sprinkler deflector.

2) Two levels of sprinkler protection are required:

a) Horizontal sidewall sprinklers with a density of .75 gpm/sq. ft. over a minimum of five (5) sprinklers operating.

b) Pendant sprinkler spaced at one hundred square feet (100 sq. ft.) maximum with a density of .32 gpm/sq. ft. the most remote fifteen hundred square feet (1,500 sq. ft.) of operation.

Sprinklers shall be of the quick-response type. If pendant sprinkler protection can be spaced over the movable file cabinets, a minimum of .55 gpm/sq. ft. over the most remote fifteen hundred square feet (1,500 sq. ft.) of operation is required. The top of the units must be opened to allow for water penetration.

903.3.7: Fire department connections: The location of Fire Department connections shall be approved by the Fire Official.

903.3.7.1: Access to Fire Department Connections: Any Fire Department connection that is located behind any landscaping or vegetation shall have a concrete path from the sidewalk or closest public way to the connection for Fire Department access.

903.3.7.2: Number of Fire Department Connections: The Fire Official will determine the number of Fire Department connections required for the building.

903.3.7.3: Type of Fire Department Connections: The type of Fire Department connection must be approved by the Fire Official. No single two and one-half inch (2-½") Fire Department connection is permitted.

903.4.3: Floor control valves: Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all high-rise-buildings. Control valves shall also be required for each individual unit (commercial, residential, or business) where the units share a common water supply and have individual entrances.

903.3.1.2.2: Chlorinated polyvinyl chloride (CPVC) piping: Whenever CPVC piping is used for sprinkler systems conforming to the requirements of NFPA 13, the following conditions shall also apply:

- 1) Steel pipe shall be used for Fire Department connections and all risers.
- 2) In areas where it is determined by the Fire Official that the CPVC piping may be subject to damage, steel piping shall be required.

903.3.1: Standards: Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, Section 903.3.1.2, or Section 903.3.1.3. In the design of all systems, provide a minimum of 10 psi safety factor in the fire protection system hydraulic calculation. The system demand shall be 10 psi below the seasonal low-water test supply.

903.3.7: Fire Department connections: The location of Fire Department connections shall be approved by the Fire Official. Provide a white strobe light above the Fire Department connection(s) to flash upon activation of the fire alarm system. The device(s) shall be mounted at a height that is visible from the street.

Exception: Existing systems, unless the system is altered, modified, or upgraded.

905.2: Installation standards: Standpipe systems shall be installed in accordance with this Section and NFPA 14. A one and one-half inch (1-½") reducer with a cap connected to a chain shall be required at each hose connection.

909.2.1: Duct detectors reset: Resets for duct detectors shall be located at the main fire alarm panel and labeled as to their location. A floor plan identifying the duct detectors shall be laminated near the fire alarm panel.

911.1: Features: Where required by other sections of this code, a Fire Command Center for Fire Department operations shall be provided. The location and accessibility of the Fire Command Center shall be separated from the remainder of the building by not less than a one- (1-) hour-fire-resistance-rated fire barrier. The room shall be a minimum of ninety-six square feet (96 sq. ft.) (9 m 2 mm) with a minimum dimension of eight feet (8') (2,438 mm). A layout of the Fire Command Center and all features required by the section to be contained therein shall be submitted for approval prior to installation. All Fire Command Centers shall comply with NFPA 72, and shall be equipped with a five- (5-) button combination keypad for entry into the room or other entry device as approved by the Fire Official.

1007.6.1.1: Area of refuge: The floor of the area of refuge shall be designed with striping or other such means and labeled with the International Symbol of Access, such that this area is reserved at all times for the intended purpose.

1023.1: General: Exits shall discharge directly to the exterior of the building. The exit discharge shall be at grade or shall provide direct access to grade. The exit discharge shall not reenter a building. The exit discharge shall include a paved surface connecting the exit to a public way. The width and slope shall conform to all requirements of the Illinois Accessibility Code. The exit discharge shall be illuminated at the exterior.

Table 1607.1: Minimum uniformly distributed live loads and minimum concentrated live loads:

Occupancy or use	Uniform (psf)	Concentrated (lbs.)
Balconies and porches (exterior)	100	- - -
On one- and two- family residences only, and not exceeding 100 square feet.	60	- - -

3105.1: General: Awnings or canopies shall comply with the requirements of this Section and other applicable Sections of this Code. No person shall erect, install, remove, re-hang, alter, or maintain over public property any awning or canopy for which a permit is required under the provisions of this Code until the requirements of the Sign Regulations Ordinance, Title 4, Chapter 12 of the City Code, are met.

3106.1: General: Marquees shall comply with this Section and other applicable Sections of this Code. No person shall erect, install, remove, re-hang, alter, or maintain over public property any marquee for which a permit is

required under the provisions of this Code until the requirements of Title 4, Chapter 12 of the City Code, are met.

3107.1: General: Signs shall be designed, constructed, and maintained in accordance with this Code. No person shall erect, install, remove, re-hang, alter, or maintain over public property any sign for which a permit is required under the provisions of this Code until the requirements of the Sign Regulations Ordinance, Title 4, Chapter 12 of the City Code, are met.

3201.5: Building deterioration: In the event that a piece or part of an existing building dislodges and falls onto the public way evidencing movement of building components that comprise imminent danger, the following shall be required:

1) Within forty-eight (48) hours of a written notice of the imminent danger or failed condition by the City of Evanston, the property owner(s) shall install illuminated sidewalk and/or street protection as required by the City of Evanston. If this is not completed in accordance with all City Codes, the City may install such protection at the expense of the property owner(s).

2) Within thirty (30) days of such notice, the property owner shall submit to the City a written report of the conditions by a State of Illinois licensed engineer. If this requirement is not fulfilled in accordance with all City Codes, the violator is subject to a fine of a minimum of \$75.00 (seventy-five and no/100 dollars) for each day until the report is submitted.

3) Within sixty (60) days of such notice, the property owner shall obtain permits for all required repairs. If this requirement is not fulfilled in accordance with all City Codes, the violator is subject to a fine of a minimum of \$75.00 (seventy-five and no/100 dollars) per day until the report is submitted.

4) Within one hundred eighty (180) days of such notice, all work associated with the repair of the deterioration must be completed and inspected. If the requirement of completion is not fulfilled in accordance with all City Codes, the violator is subject to a fine of a minimum of \$75.00 (seventy-five and no/100 dollars) per day until the work is completed, as verified by a City inspector.

3301.2: Storage and placement: Construction equipment and materials shall be stored and placed so as not to endanger the public, the workers or adjoining property for the duration of the construction project. In no case, shall construction equipment or materials be kept or stored on any public way or property.

Table 3306.1: Protection of pedestrians:

Height of Construction	Distance from construction to lot line	Type of protection required
8 feet or less	Less than 5 feet	Construction railings
	5 feet or more	Construction railings
	Less than 5 feet	Barrier and covered walkway
	5 feet or more, but not more than one-fourth the height of construction	Barrier and covered walkway
More than 8 feet	5 feet or more, but between one-fourth and one-half the height of construction	Barrier
	5 feet or more, but exceeding one-half of the height of construction	8-foot high chain link fence, firmly anchored into the ground.

CHAPTER 34: EXISTING STRUCTURES: This entire Chapter is deleted.

(D) In the event that any provision of the *2003 International Building Code* adopted hereby is in conflict with any provision of the Zoning Ordinance or any provision of any City fire prevention ordinance or safety control ordinance or any amendment thereto, the most stringent shall control.

(E) Wrecking, demolishing, or razing of buildings:

1) Written notice stating the date on which work is to begin shall be given to the Director of Community Development and to owners/occupants of adjoining property at least forty-eight (48) hours before beginning the wrecking, demolishing, or razing of any building or other structure.

2) On completion of demolition, the site shall be filled where necessary with clean soil, cinders, or other inorganic material and graded to the level of sidewalks, alleys, or adjoining property with allowance for settlement.

3) Debris caused from the demolition of a building or structure in excess of that required to fill openings shall be removed from the site as wrecking progresses. Salvaged material, if left on the premises, shall be neatly

stored. Debris shall be kept from adjacent properties and public ways at all times.

4) During the erection, alteration, or demolition of any building, any temporary structure erected adjacent to or on any public way, used as temporary storage for debris and wreckage, shall be outfitted with reflective orange material outlining every top and bottom corner of said temporary structure, which reflective material will be visible when struck by headlight beams three hundred feet (300') away at night. Said markings shall be approved by the City Engineer.

4-2-2: BUILDING CONTRACTORS:

(A) **Definition:** The term "building contractor" means any person, individual, company, or corporation engaged in the business of constructing, enlarging, altering, removing, or remodeling any structure by furnishing of labor, material, and methods necessary to accomplish a given result, and who retains for himself the control of the means, method, and manner of accomplishing this desired result. The term "building contractor" shall not be construed to include any person, individual, company, or corporation currently licensed as a plumbing contractor, electrical contractor, or heating, air-conditioning or refrigeration contractor.

(B) **License required:** No person shall engage in the business of building contractor within the City without first having secured a license in the manner provided herein.

(C) **Application for license:** Application for license shall be made to the Community Development Department. All licenses shall be subject to the provisions of this Code, other ordinances of the City and the statutes of the State of Illinois.

(D) **License fee:** The amount of the annual license fee for persons engaged in the business of building contractor shall be established from time to time by action of the City Council.

(E) **Examination required:** No person shall receive such a license until he or she has passed a standardized examination administered and designed by the Building Division of the Department of Community Development. Said examination shall be for the purpose of determining that all licensees are knowledgeable in the business of building, contracting, and life safety components of the Building Code.

(F) Suspension or revocation of license:

(1) If any person shall violate any of the provisions of the Chapter or the code adopted hereby, he shall be liable to be prosecuted against for any fine or penalty imposed thereto and his license may be suspended or revoked by the City Manager.

(2) No such license shall be so revoked or suspended except after a hearing by the City Manager or his or her designee with a three- (3)- business day notice to the licensee affording the licensee an opportunity to appear and defend. The notice shall specify the reason for the contemplated suspension or revocation and shall give the date, time, and room number in the Civic Center of the hearing. Notice shall be sufficient if sent to the address stated on the licensee's application.

(3) If the Building Official certifies to the City Manager that he has reason to believe that immediate suspension of the license is necessary to prevent the threat of immediate harm to the community, the City Manager may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the license suspended for not more than seven (7) days. The City Manager may extend the suspension during the pendency of a hearing upon a written determination that doing so is necessary to prevent the aforesaid harm to the community.

(4) Hearings shall be conducted in accordance with procedures on file with the City Clerk.

(5) The City Manager shall issue his or her decision within three (3) business days after the close of the hearing. In reaching a decision, the City Manager may consider any of the following:

- (a) The nature of the violation.
- (b) The nature and extent of the harm caused by the licensee's action or failure to act.
- (c) The factual situation and circumstances surrounding the violation.
- (e) Whether or not the action or failure to act was willful.
- (f) The record of the licensee with respect to violations.

(6) The City Manager may suspend a license for a period of up to ninety (90) days. A licensee whose license has been revoked shall not be eligible to re-apply for a license until the expiration of one (1) year after the effective date of the revocation.

4-2-3: PENALTY FOR VIOLATIONS:

Any person found to have violated any provision of the *2003 International Building Code* as adopted by the city, 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 any approved plan or direction of the building official or of any permit or certificate issued by the building official or his designee, shall be guilty of an offense, punishable as follows:

(A) 1) The fine for a first violation is \$75.00 (seventy-five and no/100 dollars).

2) The fine for a second violation is \$200.00 (two hundred and no/100 dollars).

3) The fine for a third or subsequent violation is \$375.00 (three hundred seventy-five and no/100 dollars).

(B) Each day a provision of this chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in subsection (A) of this section.

(C) The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation. (Ord. 127-0-00).

4-2-4: SEVERABILITY: It is the intention of the City Council that the provisions of this Chapter and the Code adopted hereby are severable and the invalidity of any Section or any portion of any such Section of either of them shall not affect any other Section.

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: April 12, 2005

Adopted: April 25, 2005

Approved: May 2, 2005

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

Ellen Szymanski
Asst. Corporation Counsel

