

3/25/2005

30-O-05

AN ORDINANCE

**Amending Title 4, Chapter 11 of the City Code,
One- and Two-Family Dwellings Code, by Deleting the Existing Text
and Adopting the 2003 International Residential Code for One- and
Two-Family Dwellings by Reference with
Certain Amendments Thereto**

WHEREAS, the City Council of the City of Evanston considers it in the public interest to adopt as its standard for issuance of construction, reconstruction, alteration, and installation permits for the design and construction of one- (1-) and two- (2-) family buildings in the City of Evanston; and

WHEREAS, use of the *2003 International Residential Code for One- and Two-Family Dwellings* has been authorized by the International Code Council, Inc.; 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 the City Code of the City of Evanston, 1979, as amended, is further amended by deleting Chapter 11, "One- and Two-Family Dwellings Code", in its entirety and substituting therefor the following:

4-11-1: ADOPTION OF THE 2003 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS:

(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 Residential Code for One- and Two-Family*

Dwellings ("the Code"), which Code shall be used together with the below-stated additions and amendments to govern the design, construction, prefabrication, alteration, repair, use occupancy, and maintenance of all detached one- (1-) and two- (2-) family dwellings not more than three (3) stories in height with separate means of egress and their accessory structures, in addition to the Code for use group R-3 structures in the Code adopted by the City. All advisory or text notes, other than the rules and regulations contained in the Code adopted hereby are expressly excluded from this Chapter.

(B) Any reference to "Administrative Authority", "Building Official" or "Code Official" shall mean the Assistant Director of Community Development Department, Building Division, of the City of Evanston, or his or her designee. Any reference to "municipality" shall mean the City of Evanston.

(C) **Amendments:** The following sections of the *International Residential Code for One- and Two-Family Dwellings*, are amended to read as follows:

R101.2: Scope: The provisions of the *International Residential Code for One- and Two-Family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings not more than three stories in height with a separate means of egress and their accessory structures.

R103.1: Creation of an enforcement agency: The Assistant Director of the Department of Community Development, Building Division, shall be responsible for the enforcement of the Code.

R103.2: Appointment:

R103.3: 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.

R105.2: Work exempt from permit: This Section is deleted in its entirety. Contact the Building Division of Community Development for information regarding work exempt from permits.

R105.7: 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 be visible from the public way. Failure to post the permit as required by this section may result in revocation of the building permit and forfeiture of all permit fees.

R105.9: Construction and repair of buildings: The creation (including excavating), 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 Building or Zoning 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 Building or Zoning, 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).

R106.1: Submittal documents: Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by Illinois law. An Illinois Licensed Architect must sign and seal drawing submissions where the construction cost exceeds \$10,000.00 (ten thousand and no/100 dollars) or the construction involves structural work or new structures for one and two family dwellings, with the following exceptions: unheated porches, decks, exterior stairs, non-habitable detached garages and accessory buildings. For all installation of spas, hot tubs, whirlpools, and similar fixtures, structural design calculations shall be required.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R311.4.3: Landings at doors: There shall be a floor or landing on each side of each exterior door.

R403.1.4.1: Frost protection: Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- 1) Extending below the frost line of forty-two inches (42") inches minimum;
- 2) Constructing in accordance with Section R403.3;
- 3) Constructing in accordance with ASCE32-01; and
- 4) Erected on solid rock.

R403.1.1.1: Trench foundations: Trench foundations incorporating a monolithically-poured footing and foundation wall shall be permitted for one story wood frame and wood frame with masonry veneer room additions, provided the following are met:

1) Trench foundations are to be designed in accordance with accepted engineering practice based on a minimum allowable soil pressure of 3000 psf and a minimum concrete compressive strength of 3000 psi at twenty-eight (28) days.

2) The foundation wall shall be a minimum of eight inches (8") wide and be belled at the bottom to a minimum width of twice the wall width for a depth of at least one foot (1').

3) Trench foundations shall be permitted only in those soils which exhibit cohesive characteristics so as to prevent collapse of the adjacent soil mass before, during and after placement of the concrete.

4) Trench foundations shall extend a minimum of forty-two inches (42") below adjacent grade.

5) Trench foundations shall comply with all applicable sections of the *2003 International Residential Code*, adopted by the City, except as previously mentioned.

R502.1.4: Prefabricated wood I-joists: Structural capacities and design provisions for prefabricated wood I-joists shall be established and monitored in accordance with ASTM D 5055. Where prefabricated wood I-joists are used for floor and ceiling joist framing members in finished or unfinished spaces in one or two-family dwellings, the prefabricated wood I-joists shall be separated from adjacent spaces by a minimum five-eighths inch (5/8") thick, type "X" gypsum wall board, taped. Such separation shall not be required for structures fully equipped with an automatic sprinkler system designed and installed in accordance with N.F.P.A. 13R.

R602.3: Design and construction: Exterior walls of wood frame construction shall be designed and constructed in accordance with the provisions of this chapter and Figures R602.3(1) and R602.3(2) or in accordance with AF&PA's NDS. Components of exterior

walls shall be fastened in accordance with Table R602.3(1) through R602.3(4). Exterior walls covered with foam plastic sheathing shall be braced in accordance with Section R602.10. Structural sheathing shall be fastened directly to structural framing members. Any wall which contains any plumbing or mechanical piping, and/or ductwork must have a minimum depth of the structural members of five and one-half inches (5-1/2").

APPENDIX G - SWIMMING POOLS, SPAS AND HOT TUBS:

AG105.2: Outdoor swimming pool: An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:

9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346.

APPENDIX K - SOUND TRANSMISSION:

AK102.1: General: Airborne sound insulation for wall and floor-ceiling assemblies shall meet a Sound Transmission Class (STC) rating of 50 when tested in accordance with ASTM E 90.

AK103.1: General: Floor/ceiling assemblies between dwelling units or between a dwelling unit and a public or service area within a structure shall have an Impact Insulation Class (IIC) rating of not less than 50 when tested in accordance with ASTM E 492.

R112: MEANS OF APPEAL: This section shall be deleted in its entirety from the Code adopted hereby and these sections substituted therefor.

4-11-2: APPEALS:

(A) **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.

(B) **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.

(C) **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.

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

(E) **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.

(F) **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.

(G) **Effect of Appeal:** The appeal shall stay the decision, notice, or order appealed from, unless the Code 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.

4-11-3: PENALTY:

Any person found to have violated any provision of the *2003 International Residential Code for One- and Two-Family Dwellings* adopted by the City shall be guilty of a violation 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 or the Code adopted hereby is found to have been violated constitutes a separate violation subject to the fine schedule set forth in 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 Office to impose other penalties and remedies as provided for by applicable legislation.

4-11-4: SEVERABILITY:

It is the intention of the City Council that the provisions of this Ordinance and the Code adopted hereby are severable and the invalidity of any Section or part of any Section of this Ordinance and the Code hereby adopted shall not affect any other Section or portion of said Ordinance or Code.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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:

Elwood
Asst. Corporation Counsel