

31-O-05

AN ORDINANCE

**Amending Title 4 of the City Code to Add a New Chapter 21,
Adopting the 2003 International Fuel Gas Code by Reference, and
Making Certain Amendments Thereto**

WHEREAS, the City Council of the City of Evanston considers it in the public interest to adopt as its standard for construction, alteration, and installation of fuel gas equipment the *2003 International Fuel Gas 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, "Building Regulations," of the City Code of City of Evanston, 1979, as amended, be, and hereby is further amended by creation of a new Chapter 21, "Fuel Gas Code," to read as follows:

Section 4-21-1: ADOPTION OF THE 2003 INTERNATIONAL FUEL GAS 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 Fuel Gas Code*, which Code shall be used together with the below-stated additions and amendments to govern the issuance of permits and the standards of performance and materials for the construction, alteration, and installation of fuel gas equipment work in the City of Evanston.

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

4-21-1(C):

Amendments: The following amendments and additions to the *2003 International Fuel Gas Code* are made, to read as follows:

106.5.2 Fee Schedule: The permit fee for inspection, construction, reconstruction, alteration, and installation shall be those established from time to time by the City Council.

108.4 Violation Penalties: Deleted.

109: APPEALS:

109.1: 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 109 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.

109.2: 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. The Petitioner shall provide a concise statement of the grounds for the appeal and shall attach thereto legible copies of all documents her or she deems relevant.

109.3: 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 to the Petitioner.

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

109.5: The Board shall send its decision to the Petitioner and the City within two (2) business days of its rendering. The decision shall state that the decision is a final

administrative decision which may be appealed to Circuit Court under the Administrative Review Law, 735 ILCS 5/3-101, et seq., within thirty-five (35) days of delivery of the decision.

109.6: 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.

109.7: Effect of Appeal: The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Property Services Board after the appeal has been filed that, by reason of the facts stated in the application, a stay would in the Code Official's opinion cause imminent peril to life or property. In such case, the proceeding 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.

Section 4-21-2: HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTORS:

(A) **License required:** No person shall engage in the business of heating, ventilating, and air-conditioning contractor within the City without having first secured a license in the manner provided herein.

(B) **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.

(C) **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.

(D) **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.

(E) **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.

Section 4-21-3: PENALTY:

Persons who shall violate a provision of this Code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation of the approved construction documents or directive of the Code official, or of a permit or certificate issued under the provisions of this Code, shall be fined as set forth in this Section. A separate offense shall be deemed to have been committed for each day that an offense continues.

(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 and seventy-five no/100 dollars).

(B) Each day a provision of this Chapter is found to have been violated constitutes a separate violation for which a fine may be imposed in accordance with the fine schedule set forth in Subsection 4-21-3(A).

(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.

Section 4-21-4: SEVERABILITY:

It is the intention of the City Council that this Ordinance and the provisions of the Code adopted hereby are intended to be severable and that the invalidity of any section or part of any Section or portion of this Chapter or 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:

Ellen Synnott
Corporation Counsel

MSA.

