

91-O-11

AN ORDINANCE

**Amending Sections 4-2-2 and 4-11-2 of the City Code
to Revise Regulations Regarding Expiration of Building Permits**

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

SECTION 1: Section 4-2-2 of the Evanston City Code of 1979, as amended, "Amendments" to the International Building Code, is hereby further amended to include the following:

105.5 Expiration and Extension:

1) Expiration:

- a) A building permit shall, without further action by the City, automatically expire and be rendered null, void, and of no further force or effect, if the permit holder does not begin the work authorized by the permit within one hundred eighty (180) calendar days of the date of permit issuance.
- b) A building permit shall, without further action by the City, automatically expire and be rendered null, void, and of no further force or effect, if, at any time after the work is begun, the permit holder suspends and/or abandons the work authorized by the building permit for a continuous period of one hundred eighty (180) calendar days.
- c) A building permit shall, without further action by the City, automatically expire and be rendered null, void, and of no further force or effect, four (4) years after the date of permit issuance, unless an extension is granted in accordance with Subsection 2) below.
- d) If the building or work authorized by a building permit does not receive final inspection approval by the permit expiration date, all work shall stop until the Building Official issues a new permit or grants an extension of time in accordance with Subsection 2) below. All electrical, plumbing, and/or mechanical permits associated with a building permit shall expire concurrently with the building permit.

2) Extension:

- a) Except for relocation of structures, a permit holder may submit, before the expiration date of the building permit, an application to the Building Official for an extension of time. The application shall be filed no later than one (1) month in advance of the expiration date. The Building Official may extend the building permit once, for a period not exceeding one hundred eighty (180) calendar days, if he/she determines that circumstances beyond the permit holder's control prevented completion of the work. All electrical, plumbing, and/or mechanical permits associated with a building permit shall be extended to expire concurrently with the building permit.
- b) If a permit holder files application for an extension of time before expiration and in accordance with this Subsection, the existing building permit shall automatically be extended until the Building Official makes a decision on the application for an extension.
- c) If the building permit expires before an application is submitted for an extension of time, no extension shall be granted. If the previous permit holder or any other applicant wants to proceed with the same development, a new application is required and the application is treated in all respects as a new application.
- d) If the Building Official previously approved an extension of time in accordance with Subsection a), the Building Official may extend the expiration of the building permit one (1) additional time if he/she finds the following:
 - i) There are no significant change(s) in the regulations applicable to the site since the date the permit was issued;
 - ii) The additional extension is in the public interest; and
 - iii) Circumstances beyond the control of the applicant prevented the authorized work from proceeding.

SECTION 2: Section 4-11-2 of the Evanston City Code of 1979, as amended, "Amendments" to the International Residential Code, is hereby further amended to include the following:

R105.5 Expiration and Extension:

1) Expiration:

- a) A building permit shall, without further action by the City, automatically expire and be rendered null, void, and of no further force or effect, if the permit holder does not begin the work authorized by the permit within one hundred eighty (180) calendar days of the date of permit issuance.
- b) A building permit shall, without further action by the City, automatically expire and be rendered null, void, and of no further force or effect, if, at any time after the work is begun, the permit holder suspends and/or abandons the work authorized by the building permit for a continuous period of one hundred eighty (180) calendar days.
- c) A building permit shall, without further action by the City, automatically expire and be rendered null, void, and of no further force or effect, two (2) years after the date of permit issuance, unless an extension is granted in accordance with Subsection 2) below.
- d) If the building or work authorized by a building permit does not receive final inspection approval by the permit expiration date, all work shall stop until the Building Official issues a new permit or grants an extension of time in accordance with Subsection 2) below. All electrical, plumbing, and/or mechanical permits associated with a building permit shall expire concurrently with the building permit.

2) Extension:

- a) Except for relocation of structures, a permit holder may submit, before the expiration date of the building permit, an application to the Building Official for an extension of time. The application shall be filed no later than one (1) month in advance of the expiration date. The Building Official may extend the building permit once, for a period not exceeding one hundred eighty (180) calendar days, if he/she determines that circumstances beyond the permit holder's control prevented completion of the work. All electrical, plumbing, and/or mechanical permits associated with a building permit shall be extended to expire concurrently with the building permit.
- b) If a permit holder files application for an extension of time before expiration and in accordance with this Subsection, the existing building permit shall automatically be extended until the Building Official makes a decision on the application for an extension.
- c) If the building permit expires before an application is submitted for an extension of time, no extension shall be granted. If the previous permit holder or any other applicant wants to proceed with the same development, a new application is required and the application is treated in all respects as a new application.

- d) If the Building Official previously approved an extension of time in accordance with Subsection a), the Building Official may extend the expiration of the building permit one (1) additional time if he/she finds the following:
 - i) There are no significant change(s) in the regulations applicable to the site since the date the permit was issued;
 - ii) The additional extension is in the public interest; and
 - iii) Circumstances beyond the control of the applicant prevented the authorized work from proceeding.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 5: This Ordinance shall be in full force and effect on July 1, 2012, after its passage, approval and publication in the manner provided by law.


SECTION 6: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: November 28, 2011

Approved:

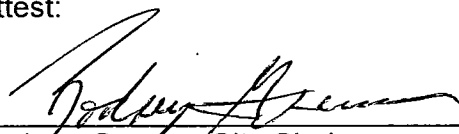
Adopted: December 12, 2011

December 14, 2011


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel

