

**CHAPTER 5**  
**BUILDING AND HEALTH CODES**

**ARTICLE I**  
**BUILDING AND HEALTH CODES ADOPTED**

**5-1-1 ADOPTION OF BUILDING AND HEALTH CODES**

(A) The following building and health codes are hereby adopted for the purpose of governing the construction, alteration, equipment, use and occupancy, location and maintenance, moving and demolition of buildings and structures in the corporate limits of the City:

- (1) International Building Code, 2006 Edition, as published by the International Code Council (ICC);
- (2) International Existing Building Code, 2006 Edition, as published by the International Code Council (ICC);
- (3) International Residential Code for One- and Two-Family Dwellings, 2006 Edition, as published by the International Code Council (ICC);
- (4) International Mechanical Code, 2006 Edition, as published by the International Code Council (ICC);
- (5) International Fuel Gas Code 2006 Edition, as published by the International Code Council (ICC);
- (6) International Energy Conservation Code, 2012 Edition, as published by the International Code Council (ICC);
- (7) International Property Maintenance Code, 2000 Edition, as published by the International Code Council (ICC);
- (8) NFPA 101: Life Safety Code, 2006 Edition, as published by the National Fire Protection Association;
- (9) 1994 Illinois State Plumbing Code, Current Edition as published by the Illinois Department of Public Health;
- (10) 2010 ADA Standards for Accessibility Design, Current Edition as published by the Department of Justice
- (11) Illinois Accessibility Code (IAC) Current Edition as published the State of Illinois Capitol Development Board;

as amended, except which portions of such Codes as are hereinafter deleted, modified, or amended, of which not less than one copy of each has been and is now filed in the office of the City Clerk of the City of Sesser, and the same are hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling in construction of all buildings and structures therein contained within the corporate limits of the City of Sesser. These codes shall be enforced by the Code Enforcement Officer and the Fire Chief.

(B) Fire Protection Requirement. At the time of construction, a Knox Box shall be installed on all buildings constructed in any business district, commercial, office or industrial. A Knox Box is not required in residential districts unless the building is used for a business.

- 1) A key to the Knox Box shall be provided to the fire department for use in case of an emergency at that location.
- 2) Final location of the Knox Box shall be set as decided in cooperation with the Fire Chief.

**ARTICLE II**  
**CODE ENFORCEMENT OFFICER**

**5-2-1 ESTABLISHMENT OF OFFICE OF CODE ENFORCEMENT OFFICER**

(A) The office of Code Enforcement is hereby created and the executive official in charge shall be known as the Code Enforcement Officer.

(B) The Code Enforcement Officer shall be appointed by the Mayor with consent by the City Council and shall receive a salary within ranges determined by the City Council from time to time and fixed by the Mayor with consent by the City Council based upon performance and merit.

(C) During the temporary absence or disability of the Code Enforcement Officer, the Mayor with consent by the City Council shall designate an Acting Code Enforcement Officer.

**5-2-2 QUALIFICATIONS OF CODE ENFORCEMENT OFFICER**

(A) To be eligible to appointment as Code Enforcement Officer, the candidate for the position shall be a member of the community and have had experience as an Architect, Structural Engineer, Building Inspector, Construction Manager, or Superintendent of Building Construction or have such other qualifications as determined by the City Council. The candidate shall be physically capable of making the necessary examinations and inspections.

**5-2-3 CONFLICTS OF INTEREST**

(A) Neither the Code Enforcement Officer nor any other inspector or person making inspections or issuing permits under any Code enacted herein shall have any interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, or device entering into or used in or in connection with building construction, alterations, removal and demolition. Nor shall the Code Enforcement Officer, any inspector or any person making inspections or issuing permits engage in the occupation or business of electrical work or contracting or be interested directly or indirectly in any firm or corporation engaged in such business during his or her term of office.

**5-2-4 DUTIES OF CODE ENFORCEMENT OFFICER**

(A) The Code Enforcement Officer shall devote such time as may be necessary to the performance of his duties. The City Clerk shall receive applications required by this Code, issue permits and furnish required certificates, but no permit or certificate shall be issued without the written approval of the Code Enforcement Officer. He shall examine premises for which permits have been issued and shall make necessary inspections to see that provisions of law are complied with and that construction is prosecuted safely.

He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code, and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(B) Inspections required under the provisions of the building code shall be made by the Code Enforcement Officer or his duly appointed assistant. The Code Enforcement Officer may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificates called by any provisions of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible office of such service.

(C) The Code Enforcement Officer shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(D) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Code Enforcement Officer without his written consent.

(E) The Code Enforcement Officer shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued and orders promulgated.

(F) No permit as required by the Building Code shall be issued until the applicant complies with the Illinois Architectural Act and has presented proof of such compliance to such Code Enforcement Officer. The State of Illinois requires that all buildings other than detached single and two family dwellings on their own lot be designed by and the construction plans sealed by an Illinois Licensed Architect, Structural Engineer or Professional Engineer depending on the type of project. See applicable state statute for more detail. This is enforced by the State of Illinois Department of Professional Regulation.

(G) The Code Enforcement Officer, or an employee assigned to the office, will inspect a newly constructed commercial building for conformance to the City of Sesser Building Codes. Each

building permit for the construction of a commercial building in the City of Sesser shall require completion of a certification of inspection that the building is compliant with building codes adopted by the Illinois Capital Development Board (ICDB), before an occupancy permit can be issued on which original construction begins on or after July 1, 2011. A “qualified inspector” shall sign the certification of inspection. An inspector is determined to be qualified by requirements of the ICDB under the authority of Public Act 096-0704 (as amended). The “qualified inspector” shall be hired by the owner or builder. Building code inspections are in addition to inspections required for the building permit.

(H) No occupancy permit shall be issued for a newly constructed commercial building as required by the Building Code until the applicant complies with Public Act 096-0704 (as amended) and has submitted the signed inspection certification of an individual who meets the qualifications established by the State of Illinois Capital Development Board (CDB). If the inspection is done by an Illinois licensed Architect or Engineer, the inspection certification shall also include his/her professional stamp and expiration date.

(I) The Code Enforcement Officer shall issue the building permit fee based on the contractor’s estimate provided with the building permit application as prescribed Section 5-3-4.

(J) The Code Enforcement Office shall not issue a Special Use Permit without the approval of the Board of Appeals.

#### **5-2-5 COOPERATION OF OTHER OFFICIALS**

(A) The Code Enforcement Officer may request and shall receive, so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the municipality or the Illinois Department of Public Health.

### **ARTICLE III GENERAL PROVISIONS**

#### **5-3-1 RIGHT OF ENTRY - VIOLATION**

(A) The Code Enforcement Officer, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. The Code Enforcement Officer shall have the power to order all work stopped on the construction, alteration, or repair of buildings in the City when such work is being done in violation of any provision of this Code. Such work shall not be resumed after the issuance of such order without the written permission of the Code Enforcement Officer.

#### **5-3-2 DEFINITIONS**

(A) Wherever the word “municipality” is used in the Building Code, it shall be held to mean the City of Sesser.

(B) Wherever the term “Corporate Counsel” is used in the Building Code, it shall be held to mean the Attorney for the City of Sesser.

#### **5-3-3 RIGHT OF ENTRY- ADMINISTRATIVE INSPECTION WARRANT**

(A) Whenever necessary to make an inspection to enforce or to determine compliance with any provision of this Article or of any building, electrical, fire, housing, plumbing, or other health and safety provision of the Revised Code of Ordinances or of any Code adopted thereby, or whenever the Code Enforcement Officer, any Building Code Inspector, or other designated Inspector has reasonable cause to believe there exists in or upon any building, structure, or premises a condition or violation which makes such building, structure, premises, or any part thereof (which are also collectively referred to herein as “premises”) a nuisance, unsafe, dangerous, or hazardous, the Code Enforcement Officer or Inspector shall have the right, as hereinafter defined, to enter any such building, structure, premises, or any part thereof at all reasonable times to inspect the same and to perform any duty imposed upon said Code Enforcement Officer or Inspector. However, except as hereinafter stated or as otherwise permitted by law, if such building, structure, or premises is occupied by a person with apparent authority to allow entry, the Official or Inspector shall first identify himself and request entry, and upon request present proper credentials; or if such building, structure, or premises is not occupied by a person with apparent authority to allow entry, the Official or Inspector shall first make a reasonable effort to locate an owner, occupant, or other such person having apparent authority to allow entry of such building, structure, or

premises and shall request entry. If entry is refused or if no owner, occupant, or such other person with apparent authority can be found, the Code Enforcement Officer or Inspector shall have recourse to every remedy as provided by law to secure entry. "A Person With Apparent Authority" means a person who reasonably appears to be 18 years or older and who reasonably appears to be either the owner or any other person to whom the owner has granted care, possession, custody, or control over the property, such as (but not limited to) a lessee, manager, caretaker, or lawful occupant.

(B) In the event any person shall fail to give consent or shall interfere with the right of entry of any Code Enforcement Officer or Inspector, the City may apply for an Administrative Inspection Warrant. An application for an Administrative Inspection Warrant shall be based upon a reasonable belief by an Inspector that an inspection is required to enforce a health, safety, or public welfare Ordinance, Code, or Regulation: (a) said inspection may be justified as to a specific building, structure, or premises on the belief that there is located within or upon the particular building, structure, or premises to be inspected one or more violations of statutes, ordinances, codes, or regulations that the Inspector is authorized to enforce, or (b) said inspection may be justified as part of a general inspection program authorized by the Revised Code of Ordinances, such as fire, building, or housing inspections to enforce or to determine compliance.

(C) An application for an Administrative Inspection Warrant shall identify the office and authority of the Inspector designated to make the inspection, shall identify the premises to be inspected, shall set forth the purpose and justification of the inspection, and shall state that the owner or other person with apparent authority to allow entry of the place to be searched has refused entrance after request for entry was made or shall state that the consent of an owner or other person with apparent authority of the area to be searched cannot reasonably be obtained or that consent is not required by law. The application for an Administrative Inspection Warrant shall also identify the applicable health, safety, or public welfare Ordinance, Code, or Regulation subject of the inspection or enforcement. An application for an Administrative Inspection Warrant shall be under oath. The application for Administrative Inspection Warrant shall be submitted to a Judge of the Second Judicial Circuit, but need not be filed with the Clerk of said Court until a warrant has been executed or has been returned "non executed." Notice of the submission of an Application for Administrative Inspection Warrant is not required to be given to any person. The Judge shall issue the Warrant if the requirements of this Section have been met, including specifically that the justification as required by law has been found. An Administrative Inspection Warrant shall constitute authority to inspect, which authority to inspect shall include the authority to use any reasonable force necessary to enter upon the premises and shall include the authority to photograph the premises subject of the Warrant. The Inspector shall also have the authority to remove any item that presents an immediate and obvious threat to health or safety if such removal (i.e. abatement action) is otherwise permitted by law.

(D) Upon issuance of an Administrative Inspection Warrant, said warrant shall state the date and time of issuance, the justification and purpose of the inspection, the date or dates on which the inspection may occur, the identification of the premises to be inspected, and shall bear the signature of the Judge of the Second Judicial Circuit issuing the warrant. Upon presentation of an Administrative Inspection Warrant to any owner or occupant or other person with apparent authority of a structure or premises authorized to be inspected pursuant to said Administrative Inspection Warrant, said owner or occupant or other person with apparent authority shall permit immediate entry into said structure or onto said premises. In the event no owner or occupant or other person with apparent authority is present upon the premises to be inspected at the time of execution of the Warrant, the Inspector may enter upon the premises, and no person shall interfere with the inspection, and the premises may be inspected and a copy of the Warrant shall be left upon the premises in a conspicuous place and thereafter a copy of the Warrant shall, within a reasonable time as determined by the circumstances, be served personally or be served by regular mail to the last known address of the owner or other person with apparent authority and to the known adult occupants of the premises, unless same shall be excused by the Court.

(E) A police officer may be requested to assist in the execution of the Administrative Inspection Warrant; such police officer shall assist the Inspector authorized to execute the Warrant, which assistance may include using any reasonable force necessary to enter upon the premises or enter within any building or structure or necessary to protect the Inspector from harm or threat of harm.

(F) Not later than ten days after execution of an Inspection Warrant, the Inspector or his designee shall file a Return with the Clerk of the Court setting forth the date and time of the inspection and the Inspector or his designee shall (unless excused by the Court) serve the Return upon the owner or

other person with apparent authority and upon the known adult occupants of the premises subject of the inspection by personal service or by regular mail to the last known address. If any item is seized or removed from any premises, the Return shall identify the item seized or removed, shall state the reason for the removal and shall include a photograph of the item seized or removed.

(G) No Administrative Inspection Warrant shall be required to enter upon and inspect areas of any premises, structure, or building as follows:

- (1) Areas of commercial space (i.e. non-residential) where the public is invited into.
- (2) Areas where the owner, occupant, or possessor has no reasonable expectation of privacy within the area and as to the items to be inspected.
- (3) Areas of a business subject to extensive regulation (e.g. alcohol, weapons) where the inspection will impose only a minimal threat to justifiable expectations of privacy and the inspection is a necessary part of a regulatory scheme designed to further an urgent governmental interest.
- (4) Areas for which an emergency situation reasonably appears present requiring immediate entry to determine, prevent, or address an immediate threat to health or safety.
- (5) Areas that are not occupied and that are open (unsecured and accessible) requiring entry to determine if any immediately hazardous condition exists.
- (6) Areas for which consent to inspect has been given by a person who appears to have apparent authority to consent.

Inspections without a Warrant shall be limited as to time, place, and scope as determined by the justification for the inspection without a Warrant.

#### **5-3-4 FEES**

(A) No permit as required by the Building Code shall be issued until the fee described in this section has been paid in full, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in estimated cost of the building or structure, shall have been paid.

(B) For a permit for the erection, alteration, or repair of any building or the construction of a parking lot, the fee shall be at the rate of \$35.00 for the first \$1,000.00 of estimated construction cost, \$2.00 per \$1,000.00 for all amounts up to \$500,000.00, and \$1.00 per \$1,000.00 for all amounts above \$500,000.00.

- (1) The applicant shall provide a copy of the construction estimate prepared by the contractor along with the permit application for verification of the permit fee.

(C) For a permit for wrecking or demolishing any building, the sum of \$5.00 for a one story building and \$10.00 for any other building or structure. For a permit for moving a structure, the sum of \$10.00 if the building or structure is to be removed from the City, and in the event of moving from one point to another point within the City, the combined building and moving fee shall be charged at the rate of two-thirds of the amount which the building fee would be, based upon the estimated cost to construct a similar building. There shall also be a \$50.00 license fee for the moving of the building or structure.

(D) In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated and adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of a permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made no work shall be resumed until a new application has been made and a new permit has been issued.

(E) The term “estimated cost” as used in this section, means the reasonable value of all services, labor, materials, and use of any and all equipment necessary to perform all work to construct a building ready for occupancy.

(F) The fees for the permit above described shall not be charged to or collected from an applicant under the following circumstances:

- (1) The work is being done for the use of a government entity, or for the use of a not-for-profit organization whose purposes are religious, educational, or charitable.
- (2) The applicant shall file a written declaration with the City that said fees have not been and will not be included in any payment to any contractor or other person.

- (3) Such organization shall apply for and obtain all necessary permits and otherwise fully comply with the ordinances of the City, unless exempted therefrom by any law of the State of Illinois or of the United States.

**ARTICLE IV  
DANGEROUS BUILDINGS AND UNSAFE EQUIPMENT**

**5-4-1 ADOPTION BY REFERENCE**

The Illinois Municipal Code, Illinois Revised Statutes, Chapter 24, Section 11-31-1, et seq., entitled "Unsafe Buildings", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City, the provisions thereof shall be controlling within the corporate limits of the City.

**5-4-2 DANGEROUS AND DILAPIDATED BUILDINGS**

(A) Any dangerous building in the City is hereby declared to be a nuisance. It shall be unlawful to maintain or permit the existence of any dangerous building in the City; and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

(B) The term "dangerous building" as used in this Ordinance is hereby defined to mean and include:

- (1) Any building, shed, fence, or other man-made structure that is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;
- (2) Any building, shed, fence, or other man-made structure, which, because of faulty construction, age, lack of proper repair, or any other cause, is especially liable to fire and constitutes or creates a fire hazard;
- (3) Any building, shed, fence, or other man-made structure, which, by reason of faulty construction, age, lack of proper repair, or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such a structure;
- (4) Any building, shed, fence, or other man-made structure, which, because of its condition or because of lack of doors, windows, walls, or other defects is available to and frequented by minors, trespassers, malefactors, disorderly persons, or other persons who are not lawful occupants of such structure;
- (5) Any building, shed, fence, or other man-made structure, which, by reason of faulty construction, age, lack of proper repair, or any other cause does not meet State or Local Building Codes, Electrical Codes, Plumbing Codes, Fire Codes, or other health and safety codes.

(C) Whenever the Code Enforcement Officer or any person designated by him, upon inspection of any building or structure in the City shall determine that such building or structure in the City is a dangerous building, he shall thereupon post a Notice upon the building condemning the building and shall cause written Notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered or certified mail to the last-known address or by personal service. The date of service of Notice by mail shall be the date on which the Notice is mailed. The Notice shall indicate that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied immediately and without delay.

No person shall remove, alter, or deface any Notice required to be posted pursuant to this Ordinance. If the Notice given hereunder has not complied with within ten (10) days from the date when the Notice is served, the City may proceed to remedy the condition or demolish the dangerous building; except specifically otherwise provided herein, the City may demolish, repair, or cause the demolition or repair of a dangerous and dilapidated building as provided within 65 ILCS 5/11-31-1

(D) Notwithstanding any other provision herein, the City Manager may declare a specific structure to be a nuisance constituting an eminent danger to health, safety, and life and authorize by

summary action demolition of such structure. The City shall recover its expenses arising from such summary demolition as provided herein.

(E) If a structure constitutes a dangerous and dilapidated building as defined within Paragraph (b)(4) above, the Code Enforcement Officer may upon the written request of the owner permit the temporary boarding up of said structure subject to the following provisions:

- (1) No structure shall be boarded up for a period in excess of ninety (90) days from date of service of the Notice. Within said 90-day period, the owner shall repair the structure and bring said structure into full compliance with City Ordinances and Building Codes or the owner shall demolish the structure.
- (2) All exterior openings in a building structure larger than one square inch in size must be covered with a minimum of one-half inch thick exterior grade plywood, masonite, or equivalent strength sheet-like material that is rated and labeled for use in direct contact with weather. Fastening devices may be nails or screws not less than one and one-half inch in length and shall not be spaced more than six inches apart around the perimeter of each sheet of material.
- (3) The boarding up of a building shall not be a defense to a demolition proceeding, nor may the Court order a dangerous or dilapidated building boarded up. The boarding up of a building shall be an admission by the owner or occupant that the building or structure is a dangerous or dilapidated building.

Upon the Code Enforcement Officer determining that it is necessary to immediately remedy a dangerous condition arising from a dangerous and dilapidated building as defined in Paragraph (b)(4) above, the Code Enforcement Officer with or without notice may cause a structure to be boarded up through any available public agency or by contract or arrangement with private persons; and all associated direct costs thereof shall be assessed against the owner of the structure and shall be charged against the real estate upon which the structure is situated and shall be a lien upon such real estate.

(F) Any building or structure which has or may be damaged by fire, decay, or other cause to the extent of fifty percent (50%) of its value, shall be torn down and removed. Upon determination by the Fire Chief or Code Enforcement Officer that a building or structure has been damaged to the extent of fifty percent (50%) of its value, a Notice shall be served upon the owner of the premises by personal service or by registered or certified mail to his last-known address. Such Notice shall notify the owner that the building has been damaged by fire, decay, or other cause to the extent of fifty percent (50%) of its value and that the building must be demolished within 10 days from date of this Notice and that the building must be immediately vacated and not occupied. It shall be unlawful for any person to occupy or to permit such building to be occupied after service of Notice. This Subsection shall not be a limitation upon any other provision of Section 5-1-10 herein.

If the Notice given herein has not been complied with within 10 days from the date when the Notice is served, the City may proceed to demolish the building in the same manner as provided for the demolition of a dangerous building.

(G) In addition to the actions authorized by other sections of this Ordinance, the Chief of the Fire Department, or any other municipal officer whose duty it is to investigate fires, may make the investigation authorized by statute found the Fire Investigation Act, 425 ILCS 10.01 et seq. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair, or for any cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous situation removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be in person or by registered or certified mail to the last-known address, and any person so notified may appeal from the decision of such officer in the manner provided by law.

(H) Any person, firm, or corporation violating any provision of this Ordinance, or permitting any dangerous building, or any building or structure, to remain in a dangerous condition, or to remain after it has been damaged to the extent of fifty percent (50%) of its value, shall be fined as provided in this Ordinance for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

### **5-4-3 UNSAFE EQUIPMENT**

(A) The term "unsafe equipment" as used in this Ordinance is hereby defined to mean any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid

containers, or other equipment which is in such disrepair or condition that it is a hazard to the life, health, property, or safety of the public or the occupants of any premises or structure.

(B) Any unsafe equipment in the City is hereby declared to be a nuisance. It shall be unlawful to maintain and permit the existence of any unsafe equipment in the City; and it shall be unlawful for the owner, occupant, or person in custody of any unsafe equipment on the premises upon which it is situated to permit the same to remain in an unsafe condition.

(C) Whenever the Code Enforcement Officer, or any person designated by him, upon inspection of any equipment in the City shall be determined that such equipment constitutes unsafe equipment, he shall thereupon cause written Notice to be served upon the owner and the occupant thereof by registered or certified mail to the last-known address or by personal service. Such Notice shall state that the equipment has been declared to be unsafe equipment and that such unsafe equipment must be removed or repaired and that the removal or repair must be completed immediately and without delay. In addition, the unsafe equipment shall be placarded and designated as unsafe equipment.

If a person receiving such Notice of unsafe equipment has not complied therewith within ten (10) days from the time that the Notice is served upon such person, then the City Manager, or someone designated by him, may proceed to remedy the condition or remove the unsafe equipment or repair the unsafe equipment. The owner or possessor of the equipment or other responsible person shall be jointly and severally liable for all costs, including a reasonable attorney's fee, incurred by the City in removing or repairing the unsafe equipment or remedying the unsafe condition. In addition, any person, firm, or corporation violating any provision of this Ordinance by permitting any unsafe equipment to remain in an unsafe condition shall be fined as provided in this Ordinance for each offense; and a separate offense shall be deemed committed on each date during or on which the violation occurs or continues.

## **ARTICLE V ACCESSIBILITY OF BUILDINGS TO PHYSICALLY HANDICAPPED**

### **5-5-1 ACCESSIBILITY OF NEWLY CONSTRUCTED BUILDINGS TO PHYSICALLY HANDICAPPED**

(A) All newly constructed buildings intended to be used by the public and multi-story housing structures shall be constructed to meet both the 2010 ADA Standards for Accessibility Design, Current Edition as published by the Department of Justice and the Illinois Accessibility Code (IAC) Current Edition as published the State of Illinois Capitol Development Board.

(B) The Environmental Barriers Act (410 ILCS 25) requires a Statement of Compliance by the architect/engineer unless the cost of construction or alteration is less than \$50,000. The Statement must certify that the plans and specifications for the building are in compliance with the EBA.

(C) "Newly constructed" shall apply to new construction as well as additions to existing buildings or facilities.

(D) Additions to existing buildings shall not decrease or have the effect of decreasing the accessibility or usability of the existing building or facility.

### **5-5-2 ACCESSIBILITY OF RENOVATED BUILDINGS TO PHYSICALLY HANDICAPPED**

(A) All renovated buildings intended to be used by the public and multi-story housing structures shall be renovated to meet both the 2010 ADA Standards for Accessibility Design, Current Edition as published by the Department of Justice and the Illinois Accessibility Code (IAC) Current Edition as published the State of Illinois Capitol Development Board.

(B) The Environmental Barriers Act (410 ILCS 25) requires a Statement of Compliance by the architect/engineer unless the cost of construction or alteration is less than \$50,000. The Statement must certify that the plans and specifications for the building are in compliance with the EBA.

(C) "Renovated" shall apply to renovations as well as alterations to existing buildings or facilities.

(D) Renovations to existing buildings shall not decrease or have the effect of decreasing the accessibility or usability of the existing building or facility.

(E) Requirements for all renovated buildings to be used by the public shall be based on the reproduction cost of the building and as follows [reference the Illinois Accessibility Code (IAC) Current Edition as published the State of Illinois Capitol Development Board]:

(1) Reproduction cost:



- (a) Definition: The estimated cost of constructing a new building, structure, of like size, design and materials at the site of the original building, structure, assuming such site is clear.
- (2) Renovation costs 15% or less of the reproduction cost of the building, the following shall comply with the applicable requirements for new construction:
  - (a) The element or space being renovated;
  - (b) No additional requirements to comply.
- (3) Renovation costs 15% to 50% and less than \$100,000, the following shall comply with the applicable requirements for new construction:
  - (a) The element or space being renovated;
  - (b) An entrance and a means of egress intended for use by the general public.
- (4) Renovation costs 15% to 50% and more than \$100,000, the following shall comply with the applicable requirements for new construction:
  - (a) The element or space being renovated;
  - (b) An entrance and a means of egress intended for use by the general public;
  - (c) All spaces and elements necessary to provide horizontal and vertical accessible routes (elevator) between an accessible entrance and means of egress and the element or space being renovated.
    - (i) EXCEPTION: privately owned public facilities are not required to provide vertical access (elevator) in a building with two levels of occupiable space where the cost of providing such vertical access is more than 20% of the reproduction cost of the public facility;
    - (ii) Provide a vertical access (elevator) for three or more floors.
  - (d) At least one accessible toilet room for each sex or a unisex toilet when permitted, if toilets are provided or required;
  - (e) Accessible parking spaces, where parking is provided; and
  - (f) An accessible route from public sidewalks or from the accessible parking spaces, if provided, to an accessible entrance.
- (5) Calculating the Reproduction Cost:
  - (a) The cost of alteration shall be construed as the total actual combined cost of all alterations made within any period of 30 months.
  - (b) The reproduction cost shall be determined by using the recognized standards of an authoritative technical organization such as R.S. Means Company, Inc., Frank Walker Company, and McGraw-Hill Cost Information Systems.

**ARTICLE VI  
PARKING LOTS – STORM WATER DETENTION**

**5-6-1 PARKING LOTS - STORM WATER DETENTION**

No premises within the City of Sesser shall be improved for parking or parking lot purposes, whether for surface parking or by a parking structure, unless and until an excavation permit or a building permit shall have been issued therefor and the requisite fee paid therefor.

No building permit or excavation permit shall be issued for any structure or for any parking lot, other than a single family structure, unless there shall have been attached to the application therefor a storm water detention plan describing the method for handling storm water in a manner so that storm water runoff shall not be increased as a result of such structure without detention and other storm water handling facilities, and until such structure without detention and other storm water handling facilities, and until such storm water detention plan shall have been approved by the City Engineer.

**ARTICLE VII  
HABITABLE SPACES BELOW GRADE**

**5-7-1 BASEMENTS**

(A) Basements shall be maintained free from dampness that contributes to structural deterioration. Water shall not be permitted to stand on the floor. A sump pit and proper drainage system (sump pump, associated piping, under slab mat, etc.) shall be provided in all basements. All slab drains shall be covered with grating, and all sewer connections shall be properly trapped. Basements shall be maintained free from accumulations of trash.

(B) The Sump pump shall discharge to grade on the dwelling unit property at the exterior of the dwelling unit. The discharge may not be directed onto public property, such as the sidewalks or streets or on or across any neighboring lots or property. The discharge may run to a ditch abutting the property of the dwelling unit. The discharge may be connected to the city storm sewer system with the approval of the City Council and at the cost of the owner of the dwelling unit. **THE SUMP PUMP CANNOT BE CONNECTED TO THE SANITARY SEWER OR BASEMENT FLOOR DRAIN.** Penalties will be assessed per Section 5-8-1 of this Code.

#### **5-7-2 CRAWL SPACES**

(A) Crawl Spaces shall be maintained free from dampness that contributes to structural deterioration. Water shall not be permitted to stand on grade. Grade in the underfloor space shall be as high as or higher than the exterior grade unless an approved drainage system is installed. Crawl spaces shall be maintained free from accumulations of trash.

(B) If a sump pump is provided, it shall discharge to grade on the dwelling unit property at the exterior of the dwelling unit. The discharge may not be directed onto public property, such as the sidewalks or streets or on or across any neighboring lots or property. The discharge may run to a ditch abutting the property of the dwelling unit. The discharge may be connected to the city storm sewer system with the approval of the City Council and at the cost of the owner of the dwelling unit. **THE SUMP PUMP CANNOT BE CONNECTED TO THE SANITARY SEWER OR BASEMENT FLOOR DRAIN.** Penalties will be assessed per Section 5-8-1 of this Code.

### **ARTICLE VIII PENALTIES**

#### **5-8-1 PENALTIES**

(A) A violation of any provision of this Code shall be a code violation. The occupancy shall be considered separate and independent from the owner (unless they are one and the same), and each shall be, upon conviction, subject to the penalties indicated below.

(B) Any person who is convicted of a violation of this Code shall be fined, not less than Fifty Dollars (\$50.00) but not more than Five Hundred Dollars (\$500.00) per day, plus costs, that the structure remains in a state of noncompliance with this Code.

(C) Nothing contained in this Section shall prevent this Municipality from taking any other lawful action that may be necessary to secure compliance with This Code.

### **ARTICLE IX EFFECTIVE DATE AND PUBLISHING OF CODE**

#### **5-9-1 EFFECTIVE DATE**

The provisions of this Chapter shall be effective beginning on the date of approval and adoption by the City Council.

#### **5-9-2 PUBLISHING OF CODE**

This code shall be published within ten (10) days of its enactment as provided by Section 1-2-4 of the Illinois Municipal Code and shall be effective ten (10) days after it is so published.