

CHAPTER 6

BUILDINGS

ARTICLE I - DANGEROUS BUILDINGS

6-1-1 **DEFINITIONS.** The term “**dangerous building**” as used in this Chapter is hereby defined to mean and include:

(A) Any building, shed, fence, or other man-made structure which 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;

(B) 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;

(C) Any building, shed, fence, or other man-made structure which, by reason of faulty construction, age, lack of proper repair or other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the Village is hereby declared to be a nuisance.

6-1-2 **MAINTENANCE UNLAWFUL.** It shall be unlawful to maintain or permit the existence of any dangerous building in the Village; 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.

6-1-3 **ABATEMENT.** Whenever the Mayor or his designated representative of the Village shall find that any building or structure in the Village is a dangerous building, he shall file a written statement to this effect with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service.

Such notice shall state 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 at once. Such notice may be in the following form:

"TO: _____: (OWNER/OCCUPANT of the premises) or the premises known and described as _____.

'You are hereby notified that _____ (describe building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by _____.

'The causes for this decision are _____

(here insert the facts as to the dangerous condition)

'You must remedy this condition or demolish the building immediately or the Village will proceed to do so.'

If the person receiving such notice has not complied therewith within **thirty (30) days** from the time when this notice is served upon such person by personal service or by registered mail, the Village may proceed to remedy the condition or demolish the dangerous building.

6-1-4 UNKNOWN OWNERS. If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this Article may be made by posting a copy thereof on the premises and by publishing **once a week for three (3) weeks** a copy thereof in a newspaper within the municipality.

6-1-5 ALTERNATE ACTION. In addition to the actions authorized by other sections of this Article, the Fire Chief or any other municipal official whose duty it is to investigate fires may make the investigation authorized by the statute found in **Illinois Revised Statutes, Chapter 127 1/2, Paragraphs 9 to 14.** 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 other cause is especially liable to fire or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be made in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.

6-1-6 LIEN. Charges for the abatement of said nuisance shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of

submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.
- (D) The cost and expense of the attorney's services.

6-1-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

6-1-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

6-1-9 **ENFORCEMENT.** The **Illinois Revised Statutes,, Chapter 24, Section 11-31**, as passed, approved and amended by the Illinois General Assembly, entitled "**Unsafe Buildings**" shall prevail in the enforcement of this Article.

ARTICLE II - BUILDING AS NUISANCE

6-2-1 BUILDING CONDITION - NUISANCE. The Mayor or his designated representative shall report to the Village Board when any building in the Village is in a dangerous condition and constitutes a nuisance.

6-2-2 TIME LIMIT. The owner of such building shall repair or alter it so as to make it safe within **ninety (90) days** from the time the notice is served upon him in the manner provided by law.

6-2-3 NOTIFICATION. The Mayor or his designated representative shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows:

"This building has been found to be a dangerous and unsafe building by the Mayor or his designated representative. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name(s) such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

6-2-4 DANGEROUS AND UNSAFE BUILDINGS DEFINED. All buildings or structures which have any or all of the following defects shall be deemed "dangerous and unsafe buildings".

(A) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of this Village.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Village.

(J) Those buildings existing in violation of any provisions of the Village Building Code or any provision of the Fire Prevention Code or any other code provisions of the Village.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

6-2-5 **STANDARDS FOR REPAIR, VACATION OR DEMOLITION.** The following standards shall be followed in substance by the Mayor or his designated representative in ordering repair, vacation or demolition:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the "dangerous and unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a "dangerous and unsafe building" is **fifty percent (50%)** damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code or any ordinance of the Village or statute of the State of Illinois, it shall be demolished.

(See "Non-Conforming Uses" of Zoning Code)

6-2-6 **DANGEROUS AND UNSAFE BUILDINGS - NUISANCE.** All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

6-2-7 **DUTIES OF THE ATTORNEY.** The Village Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Mayor or his designated representative.

6-2-8 **LIENS.** The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within **sixty (60) days** after said cost and expense is incurred, the Village or person performing the service by authority of the Village, in his or its own name(s), shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification thereof;
- (B) The amount of money representing the cost and expense incurred or payable for the service; and
- (C) The date or dates when said cost and expense was incurred by the Village.

Upon payment of said cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released by the Village or person(s) in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within **three (3) years** after the date of filing notice of lien.

ARTICLE III - BUILDING AND PLUMBING CODE

6-3-1 BUILDING CODES ADOPTED BY REFERENCE. The following codes, **one (1) copy** of which is on file in the office of the Village Clerk's Office of the Village of Bethalto, Madison County, Illinois, being marked and designated as follows are hereby adopted as the official Building Codes of the Village of Bethalto, Madison County, Illinois; and each and all of the regulations, provisions, penalties, conditions and terms of the below referenced building codes hereby referred to, are adopted and made a part hereof as if fully set out in this Code.

(A) **"The International Building Code, 2003"**, as published by the International Code Council, Inc.

(B) **"The International Fire Code, 2003"**, as published by the International Code Council, Inc.

(C) **"NFPA 101 Life Safety Code, 2000"**, as published by the National Fire Protection Association, Inc. **(Ord. No. 2002-03; 02-04-02)**

(D) **"National Electric Code, NFPA 70, 2002"**, as published by the National Fire Protection Association, Inc.

(E) **"International Residential Code for One- and Two-Family Dwellings, 2003"**, as published by the International Code Council, Inc.

(F) **"International Mechanical Code, 2003"**, as published by the International Code Council, Inc.

(G) **"International Existing Building Code, 2003"**, as published by the International Code Council, Inc.

(H) **"Illinois Plumbing Code, December 1998"**, as published by the Illinois Department of Public Health.

(I) **"International Fuel Gas Code, 2003"**, as published by the International Code Council, Inc.

(J) **"International Energy Conservation Code, 2003"**, as published by the International Code Council, Inc.

(K) **"Sound Deadening Wall Detail and Other Requirements for Attainment of Sound Transmission Class ("STC") Rating of 57 or Greater"**, developed by the Bethalto Building and Zoning Department as of 5/2005".

(L) **"Minimum Specification Sheet"**, developed by the Bethalto Building and Zoning Department as of 11/04. **(Ord. No. 2004-31; 11-01-04)**

(M) **"Construction Inspection Schedule"**, developed by the Bethalto Building and Zoning Department as of **January, 2002. (Ord. No. 2002-03; 02-04-02)**

One (1) copy of all of the above rules and regulations in book or pamphlet form is now on file in the office of the Village Clerk of the Village of Bethalto for use and examination by the public. In the event of any conflict, the provisions of that code with the more restrictive standards shall be applicable and prevail over all other general provisions.

The rules and regulations set out on the Sound Deadening Wall Detail referenced under **Section 6-3-1(K)** shall be applicable to all residential dwellings, including single-family, two-family, multi-family, hotels, motels, nursing homes, and also all public and semi-private facility uses for schools, churches, hospitals, outdoor sports arenas, recreational activities and parks located within the 65-70 LDN Contour Lines as established by FAR Part 150 as may be developed from time to time by the Federal Aviation Administration ("FAA"). A copy of the most recent FAR Part 150 LDN Contour Map, as applicable to the Village of Bethalto, is set out on Figure 8 of the Village of Bethalto Comprehensive Plan, adopted January 2000, a copy of which is included in this Chapter and Revised Code as Appendix Exhibit A.

The objective of the above referenced Sound Deadening Wall Detail is to achieve an acceptable Noise Level Reduction building standard in a potential noise impacted area by requiring

an STC Rating of 57 or greater for building design and materials. Any variation or combination of construction standards or materials achieving an equivalent STC Rating of 57 or above, as documented and certified by an Illinois licensed architect, shall also be acceptable.

Whenever in said Codes the term City or Village is used, the said term is hereby declared to designate the Village of Bethalto, Madison County, Illinois.

Whenever in said referenced Codes fee schedules are referenced, such fee schedules shall be as determined from time to time by the corporate authorities and on file in the Village Clerk's office.

Whenever in said referenced Codes certain dates for compliance are referenced, such dates shall be as determined from time to time by the corporate authorities and on file in the Village Clerk's office. **(Ord. No. 2008-05; 04-07-08)**

6-3-1.1 DEFINITIONS.

(A) **"Noise Level Reduction".** The difference between the exterior and interior sound level, achieved by improved STC (Sound Transmission Co-efficient) rating, which is achieved by the intervening structure.

(B) **"Sound Transmission Class".** The Sound Transmission Class (STC) numerically rates the sound transmission performance of a wall, floor, or ceiling, indicating the capability of the wall, floor, or ceiling to block sound transmission. The higher the STC rating, the better the acoustical performance. **(Ord. No. 2005-08; 05-02-05)**

6-3-2 COMPLIANCE WITH CODE. It shall be unlawful for any person (person meaning any natural person, firm, corporation, partnership or association) to construct, remodel, alter, repair, remove or demolish any building, wall, sign or other structure or install any plumbing or electrical work in any structure in the Village of Bethalto, unless the same shall be in accordance with such codes and after first having obtained a permit and having paid the fee or fees as hereinafter provided.

6-3-3 COMPLY WITH ZONING. All buildings or other structures shall be located on the lot so as to comply with the provisions of the Zoning Code of the Village and an accurate plat or survey furnished as therein provided.

6-3-4 APPLICATION INFORMATION. An application for a building permit shall include the following information when applicable:

- (A) Licensed plumbers name and Illinois license number.
- (B) Licensed roofers name and Illinois license number.
- (C) Licensed architect name and Illinois license or seal number.

6-3-5 PLANS TO BE SUBMITTED.

(A) Prior to issuance of a building permit for all commercial business, industrial and manufactured housing units (manufactured housing unit being defined as a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation on the building site with a permanent foundation) the applicant shall have submitted detailed plans and drawings to the Village Clerk for review and approval by the Village Board three person building committee. A building permit shall not issue for any manufactured housing unit built by a company not on the then current list of Illinois approved manufacturers of manufactured housing units, as published by the Illinois Department of Public Health.

(B) A building permit shall be issued for a manufactured housing unit as set out above with the further provision that the building assembly or system of building sub-assemblies be delivered to the building site with all interior walls, ceilings and other surfaces in an unfinished state and exposed for normal and regular inspection by the building, electrical and plumbing inspectors of the Village in accordance with applicable building and plumbing code. **(Ord. No. 88-19; 05-16-88)**

6-3-6 FEES. Application for permits shall be made to, and the fees shall be paid to the Village Clerk in accordance with the following:

(A) Building Permit Fees.

(1) Fees for New Residential or Commercial Construction

(a) A Building Permit Fee shall be payable as computed by using the Permit Fee Schedule, based upon the type of construction and use group method, as established by BOCA International, Inc. for the BOCA National Building Code, and as updated semi-annually. (The most recent update currently being November/December 2001).

(2) Additions to Buildings

(a) Residential. A building permit fee shall be payable as computed by using the Permit Fee Schedule, based upon the type of construction and use group method, as established by BOCA International, Inc. for the BOCA National Building Code, and as updated semi-annually. (The most recent update currently being November/December 2001). Notwithstanding the above, there shall be a minimum building permit fee payable of **One Hundred Twenty-Five Dollars (\$125.00)**.

(b) Non-Residential. A building permit fee shall be payable as computed by using the Permit Fee Schedule, based upon the type of construction and use group method, as established by BOCA International, Inc. for the BOCA National Building Code, and as updated semi-annually. (The most recent update currently being November/December 2001). Notwithstanding the above, there shall be a minimum building permit fee payable of **Two Hundred Fifty Dollars (\$250.00)**.

(3) Conversion, reconstruction or other structures where not specifically scheduled above - \$6.00 per 100 square feet of floor space or part thereof - minimum \$75.00; (Residential); \$125.00 (Non-Residential).

(4) Mobile Home Courts - For installation of pad for each unit - \$15.00, \$25.00 minimum.

(B) Electric Inspection Fees/Other Than New Construction, Additions, Conversions or Reconstructions, Etc.

(1) Single Family Residential: \$50.00

(2) Multi-Family Residential: \$50.00 for each service unit or apartment

(3) Non-Residential: \$75.00 first service unit plus \$.35 per ampere

(4) Mobile Home Court: For inspection of electrical hook-up facilities for each unit - \$15.00, \$25.00 minimum

(5) Garages, sheds and other structures where not specifically scheduled above: \$25.00 for any electrical inspection.

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(C) Plumbing Inspection Fees/Other Than New Construction, Additions, Conversions or Reconstructions, Etc.

- (1) Single Family Residence, Garages and Sheds: \$5.00 per fixture, \$50.00 minimum
- (2) Multi-Family Residence: \$5.00 per fixture \$50.00 minimum
- (3) Non-Residential: \$5.00 per fixture, \$75.00 minimum
- (4) Mobile Home Court: For inspection of plumbing hook-up facilities for each unit - \$15.00, \$25.00 minimum

For purpose of the above, plumbing fixtures means installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquids or liquid borne waste, with or without discharge into the drainage system with which they may be directly or indirectly connected.

(D) Inspection Fees for Fire Protection Systems

- (1) Installation of interior fire sprinkler system: \$14.00 plus \$.70 per head over **nine (9) heads**
- (2) Installation of a fire suppression system in cooking operations: \$35.00 for first system and \$25.00 for each additional system in same building

(E) Mechanical Inspections for Heating Ventilation and Air Condition (H.V.A.C.) Fees Other than New Construction, Additions, Conversions or Reconstructions, Etc.

- (1) Single-Family Residential: \$25.00
- (2) Multi-Family Residential: \$25.00 for each unit or apartment
- (3) Non-Residential: \$50.00
- (4) Mobile Home Mechanical Inspections: \$25.00
- (5) Garages, sheds and other structures where not specifically scheduled above \$25.00 for H.V.A.C. Inspection.

(Ord. No. 2002-04; 02-04-02)

6-3-7 ENFORCEMENT. This Code and all of the codes adopted hereunder shall be enforced by the Village Code Officer. The seven-member Zoning Board of Appeals, established by the Zoning Code, is hereby constituted to be the Board to which an appeal may be taken by any person affected by a decision of any officer charged with the enforcement of this Code and all other codes adopted hereunder. Any person directly affected by a decision of the code official or a notice or order issued under any of the codes adopted herein above shall have the right to appeal to the Village of Bethalto Zoning Board of Appeals, provided that a written application for appeal is filed within **twenty (20) days** after the date of the decision, notice or order was served. 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. All matters regarding Composition, Appeals, Powers of the Zoning Board of Appeals, and Petition of Persons Aggrieved by Decision of the Zoning Board of Appeals shall be governed by the provisions of **Article XII of Chapter 40 (Zoning Code)** of the Village Code of the Village of Bethalto. **(Ord. No. 2008-05; 04-07-08)**

6-3-8 INSPECTIONS. The Building, Electric and Plumbing Inspectors shall not be responsible to see that the construction contract between owner and contractor is performed, but only to determine that materials and workmanship as used meet the minimum Building Code and Plumbing Code requirements; that the connections to the water and sewer service facilities of the

Village meet the requirements of the Codes; that the intensity of use and other facilities are consistent with the Zoning Code; and that the construction and use are in accordance with the provisions of other Codes of the Village. **(Ord. No. 88-2; 01-18-88)**

6-3-9 **PENALTY.** Any person who shall violate any provision of said Code hereby adopted or who fails to comply with the minimum requirements thereof or who shall erect, construct, remodel, alter, repair, move, or demolish any building, wall, sign, or other structure or install any plumbing or electrical work without a permit as herein required shall be guilty of a misdemeanor and punishable by a fine or not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Any person who shall continue any work in violation of such Codes after having been served with a stop order by the officer charged with enforcing such Code shall be liable for a fine or not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each day that such work continues. **(Ord. No. 2001-15; 03-05-01)**

6-3-10 **INTERPRETATION AND CONSTRUCTION.** The interpretation and construction of the provisions of the Codes herein adopted shall be interpreted and construed together to achieve the logical consistent result in their application. Except where otherwise provided, where any two or more provisions of any such Codes are applicable to the same circumstances, the more restrictive provisions shall apply. The Codes adopted herein shall also be construed and interpreted in harmony with any other ordinances of the Village of Bethalto including, but not limited to, Village Codes regulating zoning, subdivisions, building, maintenance, animal control, and liquor control which may presently be in effect or may hereafter be adopted and there shall be no automatic repeal of any such other ordinances by the adopted of Codes herein. **(Ord. No. 2008-05; 04-07-08)**

6-3-11 **PENALTY AND ENFORCEMENT.** Each of the codes adopted above specifically provide for a penalty and an enforcement section. In addition to the imposition of the penalties provided for in the various codes, the Village of Bethalto, by its authorized representatives, may institute appropriate legal or equitable proceedings in any court of competent jurisdiction to prevent or restrain any unlawful activity in violation of the codes adopted, or to prevent the illegal occupancy of a building, structure or premises; or to stop an illegal act, conduct of business or use of a building or structure on or about any premises. In addition, any person, entity, firm or corporation who violates any of the codes adopted herein shall be responsible for the reimbursement and payment to the Village of Bethalto of all expenses, including, but not limited to, court costs and legal fees, incurred by the Village of Bethalto in connection with the enforcement of these codes. **(Ord. No. 2008-05; 04-07-08)**

ARTICLE IV - BUILDING INSPECTOR

6-4-1 OFFICE ESTABLISHED. There is hereby established the office of Building Inspector for the Village.

6-4-2 APPOINTMENT - TERM. The Building Inspector shall be appointed by the Mayor with the advise and consent of the Village Board on **May 1st** of each year for a term of **one (1) year**.

6-4-3 DUTIES. The Building Inspector shall perform such duties as may be prescribed by this Code.

6-4-4 COMPENSATION. The Building Inspector shall be allowed and paid as his compensation the following fees:

For all new construction/Residential or Commercial	25% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule
Additions to Buildings, Conversions, Reconstructions or other Structures Where not specifically scheduled above Including accessory or outbuildings	
Residential	25% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule; provided, however, that such fee shall not be less than \$50.00
Non-Residential	25% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule; provided, however, that such fee shall not be less than \$100.00
Mobile Home Courts	\$15.00 each installation of pad and facilities, \$25.00 minimum

(Ord. No. 2002-05; 02-04-02)

ARTICLE V - ELECTRIC INSPECTOR

6-5-1 **OFFICE ESTABLISHED.** There is hereby established the office of Electrical Inspector for the Village.

6-5-2 **APPOINTMENT TERM.** The Electrical Inspector shall be appointed by the Mayor with the advice and consent of the Village Board on **May 1st** of each year for a term of **one year**.

6-5-3 **DUTIES.** The Electrical Inspector shall perform such duties as may be prescribed in this Code.

6-5-4 **COMPENSATION.** The Electrical Inspector shall be allowed and paid as his compensation the following fees:

For all new construction/residential or Commercial	12.5% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule
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Additions to Buildings, Conversions, Reconstructions or other Structures Where not specifically scheduled above Including accessory or outbuildings	
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Residential	12.5% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule; provided, however, that such fee shall not be less than \$25.00
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Non-Residential	12.5% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule; provided, however, that such fee shall not be less than \$50.00
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Other than new construction, additions, Conversions, or other structures where Not specifically scheduled above	(1) Single-Family Residential: \$25.00 (2) Multi-Family Residential: \$25.00 for each service unit or apartment
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- (3) Non-Residential: \$50.00 first service unit plus \$.35 per ampere
- (4) Mobile Home Court: For inspection of electrical hook-up facilities for each unit \$15.00, \$25.00 minimum
- (5) Garages, sheds and other structures where not specifically scheduled above: \$25.00 for any electrical inspection

Mobile Home Courts

\$15.00 each installation of pad and facilities, \$25.00 minimum

(Ord. No. 2002-05; 02-04-02)

ARTICLE VI - PLUMBING INSPECTOR

6-6-1 OFFICE ESTABLISHED. There is hereby established the office of Plumbing Inspector for the Village.

6-6-2 APPOINTMENT - TERM. The Plumbing Inspector shall be appointed by the Mayor with the advice and consent of the Village Board on **May 1st** for a term of **one (1) year**.

6-6-3 DUTIES. The Plumbing Inspector shall perform such duties as may be prescribed by this Code.

6-6-4 COMPENSATION. The Plumbing Inspector shall be allowed and paid his compensation the following fees:

For all new construction/residential or Commercial 12.5% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule

Additions to Buildings, Conversions, Reconstructions or other Structures Where not specifically scheduled above Including accessory or outbuildings Residential 12.5% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule; provided, however, that such fee shall not be less than \$25.00

Non-Residential 12.5% of the total building permit fee paid to the Village as a result of using the BOCA Permit Fee Schedule; provided, however, that such fee shall not be less than \$50.00

Other than new construction, additions, Conversions, or other structures where Not specifically scheduled above

- (1) Single-Family Residence, Garages and Sheds: \$5.00 per fixture, \$25.00 minimum
- (2) Multi-Family Residential: \$5.00 per fixture, \$25.00 minimum
- (3) Non-Residential: \$5.00 per fixture \$50.00 minimum
- (4) Mobile Home Court: For inspection of plumbing hook-up facilities for each unit \$15.00, \$25.00 minimum

(Ord. No. 2002-05; 02-04-02)

ARTICLE VII - FLOOD PLAIN CODE

6-7-1 PURPOSE. This Code is enacted pursuant to the police powers granted to this Village by **Illinois Revised Statutes, Chapter 24, Sections 1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2**, in order to accomplish the following purposes:

- (A) to prevent unwise developments from increasing flood or drainage hazards to others;
- (B) to protect new buildings and major improvements to buildings from flood damage;
- (C) to protect human life and health from the hazards of flooding;
- (D) to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (E) to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- (F) to make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program.

6-7-2 DEFINITIONS. For the purposes of this Code, the following definitions are adopted:

"BASE FLOOD" means the flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100 year flood. The base flood elevation at any location is as defined in **Section 6-7-4** of this Code.

"BUILDING" means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than **one hundred eighty (180) days**.

"DEVELOPMENT" means any man-made change to real estate, including:

- (A) construction, reconstruction, or placement of a building or any addition to a building valued at more than **One Thousand Dollars (\$1,000.00)**;
- (B) installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than **one hundred eighty (180) days**;
- (C) installing utilities, construction of roads, or similar projects;
- (D) construction or erection of levees, walls, fences, bridges, or culverts;
- (E) drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;

- (F) storage of materials; or
- (G) any other activity that might change the direction, height, or velocity of flood or surface waters.

"DEVELOPMENT" does not include maintenance of existing buildings and facilities such as re-roofing; re-surfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

"FLOOD" means a general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"FLOOD PROTECTION ELEVATION" OR "FPE" means the elevation of the base flood plus **one (1) foot** at any given location in the SFHA.

"FLOODWAY" means that portion of the SFHA required to store and convey the base flood. The floodway for the SFHAs of East Fork of the Wood River and Tributaries "A" and "B" shall be as delineated on the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency and dated **July 2, 1980**. The floodway for each of the remaining SFHAs of the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository.

"RIVERINE SFHA" means any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

"SPECIAL FLOOD HAZARD AREA" OR "SFHA" means those lands within the jurisdiction of the Village that are subject to inundation by the base flood. The SFHAs of the Village are generally identified as such on the Flood Insurance Rate Map of the Village prepared by the Federal Emergency Management Agency and dated **July 2, 1980**. The SFHAs of those parts of unincorporated Madison County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate Map prepared for Madison County by the Federal Emergency Management Agency and dated **April 15, 1982**.

6-7-3 DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall be responsible for the general administration and enforcement of this Code, including but not limited to the following duties:

- (A) Ensure that all development activities within the SFHAs of the jurisdiction of the Village meet the requirements of this Code.
- (B) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(C) Ensure that construction authorization has been granted by the Illinois Department of Transportation, Division of Water Resources for all development projects subject to **Section 6-7-6** of this Code, and maintain a record of such authorization.

(D) Maintain a record of the "as built" elevation of the lowest floor (including basement) of all buildings subject to **Section 6-7-7** of this Code.

(E) Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to **Section 6-7-7(C)** of this Code.

(F) Inspect all development projects to ensure they comply with the provisions of this Code.

(G) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Code. Submit reports as required for the National Flood Insurance Program.

(H) Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents and "as built" elevation and floodproofing data for all buildings constructed subject to this Code.

6-7-4 **BASE FLOOD ELEVATION.** This Code's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit it to the State Water Survey.

(A) The base flood elevation for the SFHAs of East Fork of Wood River shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Village prepared by the Federal Emergency Management Agency and dated **January, 1980.**

(B) The base flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the City.

(C) The base flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository. When no base flood elevation exists, the base flood elevation shall be the 100 year flood depth calculated according to the formulas presented in **Depth & Frequency of Floods in Illinois** published by the U.S. Geological Survey, 1976.

(D) The base flood elevation for the SFHAs of those parts of unincorporated Madison County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Madison prepared the Federal Emergency Management Agency and dated **October 15, 1981.**

6-7-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by State Law shall commence any development in the SFHA without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Code.

(A) The application for a development permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 6-7-7** of this Code.

(B) Upon receipt of an application for a development permit, the building official shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the date of the site's first Flood Insurance Rate Map identification is not located in the SFHA and therefore not subject to the requirements of this Code. The building official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(C) The Zoning Administrator shall inform the applicant of any land all other local, state, and federal permits that may be required for this type of development activity. The Zoning Administrator shall not issue the development permit unless all required federal and state permits have been obtained.

6-7-6 PREVENTING INCREASED DAMAGES. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(A) Within the floodway identified on the Flood Boundary Floodway Map, the following standards shall apply:

- (1) except as provided in **Section 6-7-6(A)(2)**, no development shall be allowed which acting in combination with existing or future similar works, will cause any increase in the base flood elevation. The specific development activities identified in **Section 6-7-6(A)(2)** shall be considered as meeting this requirement.
- (2) No increase in the base flood elevation may be permitted unless:
 - (a) the total cumulative effect of the proposed development, when combined with

- all other existing and anticipated development, will not increase the base flood elevation more than **one (1) foot** for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;
- (b) a permit has been issued by the Illinois Department of Transportation, Division of Water Resources as required in **Section 6-7-6(B)(1)**; and
 - (c) for all projects involving channel modifications or fill (including levees), the Village shall submit sufficient data to the Federal Emergency Management Agency to revise the regulatory flood data.
- (B) Within all other riverine SFHAS, the following standards shall apply.
- (1) In addition to the other requirements of this Code, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the Illinois Department of Transportation, Division of Water Resources, issued pursuant to **Illinois Revised Statutes, Chapter 19, Sections 52 et seq.**
 - (2) The following activities may be constructed without the individual permit required in **Subsection 6-7-6(B)(1)** in accordance with statewide permits issued by the Illinois Department of Transportation, Division of Water Resources provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of this Code:
 - (a) The construction of wells, septic tanks, and underground utility lines not crossing a lake or stream;
 - (b) The construction of light poles, sign posts and similar structures;
 - (c) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
 - (d) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports;

- (e) The placement of properly anchored buildings not exceeding **seventy (70) square feet** in size, nor **ten (10) feet** in any dimension (e.g. animal shelters and tool sheds); and
 - (f) The construction of additions to existing buildings which do not increase the first floor area by more than **twenty percent (20%)**, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of flood waters.
- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than **one (1) foot** for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;
- (C) Public health standards in all SFHAS.
- (1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of **Subsection 6-7-7(D)** of this Code.
 - (2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

6-7-7 **PROTECTING BUILDINGS.** In addition to the damage prevention requirements of **Section 6-7-6**, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

- (1) construction or placement of a new building valued at more than **One Thousand Dollars (\$1,000)**;
- (2) structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)**, or the market value of the building by more than **fifty percent (50%)**;
- (3) reconstruction or repairs made to a damaged building that are valued at or more than **fifty percent (50%)** of the market value of the building before the damage occurred;

- (4) installing a manufactured home on a new site or a new manufactured home on an existing site. This Code does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- (5) installing a travel trailer on a site for more than **one hundred eighty (180) days**.

This building protection requirement may be met by one of the following methods. The building official shall maintain a record of compliance with these building protection standards as required in **Section 6-7-3** of this Code.

(A) A residential or nonresidential building maybe constructed on permanent land fill in accordance with the following:

- (1) The fill shall be placed in layers no greater than **one (1) foot** deep before compaction.
- (2) The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least **ten (10) feet** beyond the foundation of the building before sloping below the FPE.
- (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than **three (3) horizontal to one (1) vertical**.
- (4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(B) A residential or nonresidential building may be elevated in accordance with the following:

- (1) The building or improvements shall be elevated on crawl spaces, walls, stilts, piles, or other foundation provided:
 - (a) the walls have permanent openings no more than **one (1) foot** above grade; and
 - (b) the walls and floors are not subject to damage by hydrostatic pressures associated with the base flood.
- (2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
- (3) All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility

meters shall be located at or above the FPE. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPE.

(C) Manufactured homes and travel trailers to be installed on a site for more than **one hundred eighty (180) days** shall be:

- (1) elevated at or above the FPE in accordance with **Section 6-7-7 (A) or (B)**, and
- (2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to **Illinois Revised Statutes, Chapter 111 1/2, Sections 4401 - 4406**.

(D) Only a non-residential building may be floodproofed in accordance with the following:

- (1) A registered professional engineer shall certify that the building has been designed so that below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the affects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
- (2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

6-7-8 OTHER DEVELOPMENT REQUIREMENTS. The Village Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDS) and additions to manufactured home parks and subdivisions shall meet the requirements of **Sections 6-7-6 and 6-7-7** of this Code. Plats or plans for new subdivisions, manufactured home parks, and planned unit developments (PUDS) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters, in accordance with the Plat Act (**Ill. Rev. Stat., Chap. 109, Sec. 2**).

(B) Proposals for new subdivisions, manufactured home parks, planned unit developments (PUDS) and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available

from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the State Water Survey for review and approval as best available elevation data.

6-7-9 **VARIANCES.** Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board for a variance. The Zoning Board shall review the applicant's request for a variance and shall submit its recommendation to the Village Board. The Village Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that:

- (1) the development activity cannot be located outside the SFHA;
- (2) an exceptional hardship would result if the variance were not granted;
- (3) the relief requested is the minimum necessary;
- (4) there shall be no additional threat to public health or safety or creation of a nuisance;
- (5) there shall be no additional public expense for flood protection, rescue or relief operations, policing, or repair to roads, utilities, or other public facilities; and
- (6) the provisions of **Subsection 6-7-5(C)** of this Code are met.

(B) The Zoning Administrator shall notify an applicant in writing that a variance from the requirements of **Section 6-7-7** that would lessen the degree of protection to a building will:

- (1) result in increased premium rates for flood insurance up to amounts that may be as high as **Twenty-Five Dollars (\$25.00)** for **One Hundred Dollars (\$100.00)** of insurance coverage;
- (2) increase the risks to life and property; and
- (3) require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of **Section 6-7-7** of this Code requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places may be granted using criteria more permissive than the requirements of **Subsection 6-7-9(A)**.

6-7-10 **DISCLAIMER OF LIABILITY.** The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from

engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This Code does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Code or any administrative decision made lawfully thereunder.

6-7-11 **PENALTY.** Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Code. Upon due investigation the Zoning Administrator may determine that a violation of the minimum standards of this Code exist. The Zoning Administrator shall notify the owner in writing of such violation.

(A) If such owner fails after **ten (10) days** notice to correct the violation:

- (1) The Village may make application to the circuit court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with the Code.
- (2) Any person who violates this Code shall upon conviction thereof be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Five Hundred Dollars (\$500.00)**.
- (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(B) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

6-7-12 **ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the Village Board to fulfill the requirements of the National Flood Insurance Program including: _____

However, this Code does not repeal the original ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Code and other code easements, covenants, or deed restrictions conflict or overlap, whichever imposes more stringent restrictions shall prevail.

(SEE Ord. No. 77-13; 07-05-77 and Ord. No. 80-7; 03-03-80)

ARTICLE VIII - FIRE CODE

6-8-1 **LIFE SAFETY CODE ADOPTED.** NFPA 101 Life Safety Code, 2000, as published by the National Fire Protection Association, Inc., as previously adopted under Section 6-3-1, shall continue to serve as the applicable Life Safety Code for the Village of Bethalto. **(Ord. No. 2007-07; 05-07-07)**

6-8-2 **DEFINITIONS IN LIFE SAFETY CODE.** Whenever the "Authority having Jurisdiction" is used in this Code, it shall be held to mean the Village of Bethalto, Illinois. **(Ord. No. 2007-07; 05-07-07)**

6-8-3 **PROHIBITIONS.** No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. No person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endanger the safety of said buildings or premises. **(Ord. No. 2007-07; 05-07-07)**

6-8-4 **ENFORCEMENT.** This Fire Code, including the minimum requirements set out under the Life Safety Code hereinabove referenced, shall be enforced as follows:

(A) The Fire Inspector, or his or her designated representatives, shall be responsible for maintaining a standard of fire protection and public safety by performing surveys and inspections for fire and life safety, identifying fire hazards and initiating corrective procedures and education in conformity with the applicable Life Safety Code, and pursuant to any directives and guidelines established by the State Fire Marshall's Office of the State of Illinois.

(B) The Chief of the Fire Department, or his or her designated representative(s), shall be responsible for all other activities under this Code not otherwise delegated to the Fire Inspector.

(C) Such enforcement officer(s) shall inspect and examine at reasonable hours, any premises and the buildings and other structures thereon, and if, such dangerous condition or fire hazard is found to exist contrary to the rules herein referred to, or if a dangerous condition or fire hazard is found to exist as specified under **Section 6-8-3** above referenced, the enforcement officer shall first bring such condition to the attention of the Police, Fire Department and Public Safety subcommittee of the Village Board; provided however, that such referral to the Village

Board subcommittee shall not be required when the enforcement officer is dealing with an emergency involving a dangerous condition in an existing structure. If, after review by the Police, Fire Department or Public Safety subcommittee of the Village Board, or in the event of an emergency condition with an existing structure, such dangerous condition or fire hazard is found to exist contrary to the rules herein referred to, or a dangerous condition or fire hazard is found to exist as specified under **Section 6-8-3** above referenced, the enforcement officer shall order the dangerous condition removed or remedied, and shall notify the owner, occupant or other person, interested in the premises. Service of the notice upon the owner, occupant or other interested person shall be in person or by registered or certified mail addressed to the owners of record of such property and the last known addresses of any occupants or other interested persons. **(Ord. No. 2007-07; 05-07-07)**

6-8-5 **APPEALS.** The **seven (7) member** Zoning Board of Appeals established by the Zoning Code under **Chapter 40** of this Code is hereby constituted as the authority to which an appeal be taken by any person affected by a decision of any officer charged with the enforcement of this fire code, in the manner provided by Article 12 of the Zoning Code found at **Section 40-12-1**, et seq. The owner or other person interested in such building or premises, within **ten (10) days** after receiving such notice, may appeal from orders of the Fire Inspector or Fire Chief or their designated representative(s). If the order is sustained or modified, or if no appeal is made to the Zoning Board of Appeals, it shall be the duty of the owner or occupant to comply with such order. **(Ord. No. 2007-07; 05-07-07)**

6-8-6 **INSPECTIONS.** The code enforcement officers, including either the Fire Inspector or the Chief of the Fire Department shall not be responsible to see that the construction contract between any owner and contractor is performed, but only to determine that materials and workmanship as used meet the minimum fire code requirements and that the construction and use are in accordance with the provisions of other codes of the Village. **(Ord. No. 2007-07; 05-07-07)**

6-8-7 **PENALTY.** Any person who shall violate any provision of this fire code hereby adopted or who fails to comply with the minimum requirements thereof shall be guilty of a misdemeanor and punishable by a fine of not less than **Twenty-Five Dollars (\$25.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Any person who shall continue violation of such code after having been served with a stop order by the officer charged with enforcing such code will be liable for a fine of not less than **Twenty-Five Dollars (\$25.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each day that such work or condition continues. **(Ord. No. 2007-07; 05-07-07)**

ARTICLE IX - FIRE INSPECTOR

6-9-1 **OFFICE ESTABLISHED.** It is hereby established the office of Fire Inspector for the Village.

6-9-2 **APPOINTMENT - TERM.** The Fire Inspector shall be appointed by the Mayor with the advice and consent of the Village Board on **May 1st** of each year for a term of **one (1) year**.

6-9-3 **DUTY.** The Fire Inspector shall perform such duties as may be prescribed by this Code.

(Ord. No. 2007-07; 05-07-07)