

CHAPTER 41

BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES

ARTICLE I – BUILDING CODE

41-1-1 **ADOPTION OF INTERNATIONAL BUILDING CODE.** Pursuant to Section 1-3-1 of the Illinois Municipal Code, 2003 edition of the International Building Codes as published by the International Code Council, (“the IBC”) is hereby adopted as the Building Code of the Village. The IBC shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures, other than one and two family dwellings, and shall apply to existing or proposed building and structures, except if such matters are otherwise provided for in this Code or in other ordinances or statutes or rules or regulations of the Village.

41-1-2 **ADOPTION OF ONE AND TWO FAMILY DWELLING CODE.** Pursuant to Section 1-3-1 of the Illinois Municipal Code, the 2003 edition of the International Residential Codes for One and Two Family Dwellings as published by the International Code Council, (“the IRC”) is hereby adopted by reference as the One and Two Family Dwelling Code of the Village. The IRC shall control all matters concerning construction, prefabrication, alteration, repair, use, occupancy, and maintenance of detached one or two family dwellings and one family townhouses not more than **three (3) stories** in height, and their accessory structures.

41-1-3 **PERMIT APPLICATIONS AND INSPECTIONS.**

(A) Notwithstanding anything contained to the contrary in the IBC and IRC, the Village’s building permit review shall be limited to a plan review, site review, and a footing and foundation inspection. The Village shall not itself perform any building inspections or issue occupancy permits as set forth in the IBC and IRC.

(B) All applications for building permits shall be on a form provided by the Building Administrator and shall be accompanied by a site plan, a building plan, and the appropriate application fee. The application shall also include a copy of the plat of subdivision for the property showing locations of pins and property lines. If no plat of subdivision is available, the application shall include a survey prepared by an Illinois Registered Land Surveyor showing locations of pins and property lines.

(C) The form provided by the Building Administrator shall contain the following legend, to be initiated as applicable in each case by the applicant:
THE APPLICANT CERTIFIES THAT THE STRUCTURE TO WHICH THIS APPLICATION APPLIES HAS BEEN DESIGNED AND SHALL BE BUILT IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, 2003

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EDITION, THE CURRENT EDITION OF THE ILLINOIS PLUMBING CODE AND THE 1998 EDITION OF THE INTERNATIONAL MECHANICAL CODE. ALL SUBCONTRACTORS AND THE OWNER HAVE BEEN OR WILL BE NOTIFIED OF THIS CERTIFICATION.

THE APPLICANT CERTIFIES THAT THE STRUCTURE TO WHICH THIS APPLICATION APPLIES HAS BEEN DESIGNED AND SHALL BE BUILT IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2003 EDITION, THE CURRENT EDITION OF THE ILLINOIS PLUMBING CODE AND THE 1998 EDITION OF THE INTERNATIONAL MECHANICAL CODE. ALL SUBCONTRACTORS AND THE OWNER HAVE BEEN OR WILL BE NOTIFIED OF THIS CERTIFICATION.

(D) Upon receipt of the application for building permit, the Building Administrator shall perform a site plan review and a plan review and shall issue or deny the permit within **five (5) working days**. Any denial shall be accompanied with a statement of reasons, in writing. In case of denial, the applicant may resubmit the application with changes within **thirty (30) days** without paying additional permit fees.

(E) If the work involves new construction, the applicant shall promptly notify the Building Inspector when the foundations or footings have been constructed, and shall locate and expose the property survey pins. As soon as practicable thereafter, the Building Inspector shall visit the site and verify that the applicant is constructing the foundations and footings according to the setbacks described in the application.

41-1-4 **PERMIT FEES.** Building permit fees shall be as follows:

(A) **New Construction.** Application fee of **Seven Cents (\$0.07)** per square foot of living space or **One Hundred Dollars (\$100.00)** minimum, plus a **Fifty Dollar (\$50.00)** inspection fee. Re-inspections are **Fifteen Dollars (\$15.00)** per inspection.

(B) **Remodeling.** **Fifty Dollar (\$50.00)** application fee plus **Twenty-Five Dollars (\$25.00)** inspection fee if remodeling project does not involve an increase in the square footage of living space. If the project involves an increase in the square footage of living space the inspection fee is **Fifty Dollars (\$50.00)**. Base application fee is waived if project cost is less than **One Thousand Dollars (\$1,000.00)**. Inspection fees still apply. Re-inspections are **Fifteen Dollars (\$15.00)** per inspection.

(C) **Changes or Alterations.** Changes or alterations to an approved permit will require a new permit application at a fee of **One Hundred Dollars (\$100.00)**.

(D) **Demolition Permit Fee.** **Sixty-Five Dollars (\$65.00)**.

(E) **Fees Non-Refundable.** If a permit application is rejected, the applicable base permit fee and the plan review fee will not be refunded.

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(Ord. No. 04-26; 12-15-04)

ARTICLE II – PLUMBING CODE

41-2-1 ADOPTION OF ILLINOIS PLUMBING CODE.

(A) The Illinois State Plumbing Code 1993 (“ISPC”), promulgated pursuant to authority granted by the Illinois Plumbing License Law, as amended from time to time, is hereby adopted and incorporated herein by reference pursuant to the authority of the Illinois Municipal Code; provided that in the event any of the provisions of the said ISPC are in conflict with any other applicable Code, regulation or Ordinance of the Village, the more restrictive provision shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(B) For the purpose of this Chapter any reference to the ISPC will mean the 1993 Edition of the Illinois State Plumbing Code as amended from time to time; any reference in the ISPC and this Chapter to the governing body or the appointing authority shall be read as meaning the President and Board of Trustees of the Village of New Berlin, Illinois; any reference to the Village will mean the Village of New Berlin, Illinois; and any further reference to the Trustee will mean the Trustee who is the Chairman of the Zoning and Building Committee of the Village Board. Any reference to the Code Official and/or Plumbing Inspector will mean the person or persons appointed from time to time by the President and Board of Trustees of New Berlin, Illinois to administer the Plumbing Code.

(Ord. No. 04-26; 12-15-04)

ARTICLE III – ELECTRICAL CODE

41-3-1 ADOPTION OF THE NATIONAL ELECTRICAL CODE.

(A) The National Electrical Code, 1999 Edition (“NEC”), as published by the National Fire Protection Association, is hereby adopted and incorporated herein by reference pursuant to the authority of the Illinois Municipal Code; provided that in the event any of the provisions of the said NEC are in conflict with the Illinois Municipal Code or any other applicable Code, regulation or Ordinance of the Village, the more restrictive provision shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(B) For the purpose of this Chapter any reference to the NEC will mean the 1996 Edition of the National Electrical Code; any reference in the NEC and this Chapter to the governing body or the appointing authority shall be read as meaning the President and Board of Trustees of the Village of New Berlin, Illinois; any reference to the Village will mean the Village of New Berlin, Illinois; and any further reference to the Trustee will mean the Trustee who is the Chairman of the Zoning and Building Committee of the Village Board. Any reference to the Code Official and/or Electrical Inspector will mean the person or persons appointed from time to time by the President and Board of Trustees of New Berlin, Illinois to administer the Electrical Code.

(Ord. No. 04-26; 12-15-04)

ARTICLE IV – MECHANICAL CODE

41-4-1 ADOPTION OF INTERNATIONAL MECHANICAL CODE.

(A) The International Mechanical Code, 1998 Edition (“IMC”), as published by the Building Officials and Code Administrators International, Inc. is hereby adopted and incorporated herein by reference pursuant to the authority of the Illinois Municipal Code; provided that in the event any of the provisions of the said IMC are in conflict with the Illinois Municipal Code or any other applicable Code, regulation or Ordinance of the Village, the more restrictive provision shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(B) For the purpose of this Chapter any reference to the IMC will mean the 1998 Edition of the International Mechanical Code; any reference in the IMC and this Chapter to the governing body or the appointing authority shall be read as meaning the President and Board of Trustees of the Village of New Berlin, Illinois; any reference to the Village will mean the Village of New Berlin, Illinois; and any further reference to the Trustee will mean the Trustee who is the Chairman of the Zoning and Building Committee of the Village Board. Any reference to the Code Official and/or Mechanical Inspector will mean the person or persons appointed from time to time by the President and Board of Trustees of New Berlin, Illinois to administer the Mechanical Code.

(Ord. No. 04-26; 12-15-04)

ARTICLE V - GENERAL PROVISIONS GOVERNING ALL CODES

41-5-1 **EXCEPTIONS TO ADOPTION BY REFERENCE.** Certain sections of the Codes adopted by reference in this Chapter shall be of no force and effect, as follows:

(A) Any provision of the Codes pertaining to penalties for violation there.

(B) Any section of the Codes pertaining to construction inspection and inspection fees.

(C) Any section of the Codes pertaining to appeals of decisions of any building, plumbing or electrical Administrator.

(D) Any provision of any of the above Codes, other than the Illinois Plumbing Code, relating to plumbing. It is the intent of this Chapter that the State of Illinois Plumbing Code shall control all matters relating to plumbing.

41-5-2 **RESOLUTION OF CONFLICTS AMONG CODES.** In the event of conflicts among the Codes adopted pursuant to this Chapter, or among such Codes and this Chapter, the following rules shall apply:

(A) The provisions of this Chapter shall prevail over the provisions of any Code.

(B) The Illinois Plumbing Code shall prevail over the provisions of any other Code.

(C) The IRC shall prevail over the IBC with respect to one and two family dwellings.

(D) In the event of any other conflict, the most stringent requirement shall apply.

41-5-3 **CREATION OF OFFICES TO ENFORCE CODE.**

(A) There is hereby created the office of Building Administrator, who shall perform the site and plan reviews as set forth in this Chapter.

(B) The Building Administrator shall have the powers and duties of the Code Official and Building Official as defined in the Codes adopted in this Chapter. The Building Administrator may have other duties prescribed by the Village Board not related to his duties as Building Administrator. The Building Administrator shall be an officer of the Village appointed by the Mayor with the advice and consent of the Board of Trustees for an indefinite term not to exceed the term of office of the Mayor who appointed him.

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41-5-4 APPEALS.

(A) **General.** The provisions of this Division are inconsistent in some respects with the appeal provisions in the Codes adopted in this Chapter.

(B) **Application for Appeal.** Any applicant or holder of a building permit aggrieved by an adverse decision of the Building Administrator shall have the right to appeal within **thirty (30) days** of the decision to the Zoning Board of Appeals. A petition for appeal shall be in writing and shall state the basis for the appeal. Any basis for appeal not stated in the petition shall be deemed waived at the subsequent hearing.

(C) The petition to appeal shall be submitted to the Village Clerk, who shall forward the petition to the Building Administrator within **two (2) working days**. For decisions of the Building Administrator other than stop work orders, the Zoning Board of Appeals, shall convene a meeting and conduct hold a hearing within **thirty (30) working days** of the Clerk's receipt of the petition. For decisions involving a stop work order, the Zoning Board of Appeals shall convene and conduct a hearing within **seven (7) working days** of the Clerk's receipt of the petition.

(D) At the hearing, the Applicant shall have the right to be heard and present witnesses. The Building Administrator shall be present and shall state the basis of the denial, and may present witnesses in rebuttal of the Applicant's position. The Zoning Board of Appeals shall render its decision within **thirty (30) days** of the hearing. Decisions shall be in writing. A person aggrieved by the decision of the Zoning Board of Appeals shall have a right to review under the Administrative Review Law.

41-5-5 GENERAL PROVISIONS.

(A) No structure, fence, or swimming pool in the Village shall be constructed, enlarged, altered or repaired without a permit being issued by the Building Administrator. All work performed pursuant to any permit issued hereunder shall meet the requirements for workmanship, methods and materials as set forth in the Codes adopted in this Chapter and all requirements of the Zoning Code and other applicable ordinances of the Village. The permit shall be posted on the premises at the time the work is commenced.

(B) Notwithstanding the above or any provision in the Codes adopted pursuant to this Chapter, a building permit shall not be required for the following:

- (1) Cases, counters and partitions not over **five (5) feet** high;
- (2) Painting, papering, window replacement and/or window additions, and similar finish work;
- (3) Temporary motion picture, television and theater stage sets and scenery;
- (4) Window awnings supported by an exterior wall when projecting out not more than **fifty-four (54) inches**;

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- (5) Interior alterations and remodeling, does not constitute or affect corridors, exit ways, and load-bearing members of those structures.
- (6) Applying siding.

41-5-6 **GRANDFATHER CLAUSE.** No existing building or structure not in compliance with any of the Codes adopted herein as of the effective date of this Chapter or of any amendment hereto, and no building, the foundation of which has been laid as of the effective date of this Chapter or any amendment hereto which is completed within **six (6) months** of the effective date of this Chapter or the amendment, shall be deemed to be in violation of this Chapter by reason of continuation of the noncomplying condition; nor is any owner required to bring any such structure into compliance with any Code adopted hereunder.

41-5-7 **PENALTIES.** Any person violating this Chapter or the Codes adopted herein shall, upon conviction, be subject to a fine of not less than **Fifty Dollars (\$50.00)** per day and not more than **Seven Hundred Fifty Dollars (\$750.00)** per day for each day a violation exists. In addition, the Village may seek equitable relief in a court of law to restrain violations of this Chapter and of Codes adopted pursuant to this Chapter, or to compel compliance with a stop work order.

(Ord. No. 04-26; 12-15-04)