

CHAPTER 8

BUILDINGS AND BUILDING REGULATIONS

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ARTICLE I. BUILDING CODE

Section 8-01. Adoption of building code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the International Building Code, 2003 edition (Excluding Appendices A through J) as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Kankakee, in the State of Illinois, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and, the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, citations and terms of said Building Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-02. Revisions to building code. The following additions, insertions, deletions and changes are hereby made:

Section 101.1 Delete and replace with the following:

101.1 Title. These regulations shall be known as the Building Code of the City of Kankakee, hereinafter referred to as "this code."

Section 105.5 Delete and replace with the following:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 30 days after its issuance, or if the work authorized on the site by such permit is not completed within 180 days after issuance of the permit. The Building Official or Authorized Building Inspector are authorized to grant one or more extensions of time, for periods not to exceed 60 days each. The extension shall be requested in

writing and justifiable cause demonstrated.

Section 108.2 Delete and replace with the following:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

Fee Schedule for Building and Trade (Plumbing, Electrical and Mechanical) Permits.

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses): Minimum fee of \$30.00 dollars plus \$5.00 dollars per thousand (or 0.5%) of valuation of work. Maximum fee not to exceed \$3,000.00 dollars.
2. Structures classified with respect to occupancy in one or more of the groups listed in Section 302.1: Minimum fee of \$60.00 dollars plus \$10.00 dollars per thousand (or 1.0%) of valuation of work. Maximum fee not to exceed \$6,000.00 dollars.
3. Any permit that has a valuation of work not exceeding \$500.00 shall have a base fee of \$10.00.
4. Any required permit obtained after work is initiated or completed shall automatically be charged double the required permit fee schedule referenced above.

Valuation shall include all trade (plumbing, electrical and mechanical) costs. Separate trade permits shall be required, if applicable, but no additional permit fees will be charged if the proposed work is covered by a building permit.

Section 112 Delete and replace with the following:

Section 112.1 General. Appeals of orders, decisions or determinations of all authorized city staff and the Code Official shall be subject to the following provisions;

1. An appeal of any decision or determination of authorized city staff must be submitted in writing to the Code Official within 10 days of the date of mailing thereof. The Code Official shall then notify the authorized owner or agent of the administrative decision on the appeal within 10 days of receiving the written appeal request.
2. Appearance before the Adjudication Court shall serve as the final appeal of all decisions and determinations of the code official and authorized city staff.
3. The forgoing procedures do not apply if the City opts to file within the Circuit Court for injunctive relief or monetary damages or fines.

Section 602.1 Add the following subsection:

602.1.2 Prohibited Buildings. The construction of Pole Barn Buildings and Prefabricated Steel Buildings shall be prohibited as a primary structure on all zoning lots.

Section 1402.1 Add the following definition:

FRONT EXTERIOR WALL: The vertical exterior wall, including the exterior wall surface, that faces the front lot line of a property, or a lot line abutting a public or private street right-of-way.

Section 1404.1 Add the following subsection:

1404.1.1 Exterior front walls. The front exterior wall of any new building or structure, including additions to existing buildings or structures, classified with respect to occupancy in one or more of the Groups listed in Section 302.1 (excluding Factory, High hazard and Residential Groups F, H and R) shall be constructed, covered, surfaced or faced, a minimum vertical distance of 3 feet as measured from finished grade, with one or more of the materials listed below.

1. Wall construction materials shall include, but are not limited to, brick masonry (calcium silicate, clay, shale or concrete), stone (cast artificial or natural), structural glass or ceramics, and precast or poured concrete.
2. Wall covering, surface or facing materials shall include, but are not limited to, stone facing or slab type veneers (precast artificial or natural), glass or tile veneers, stucco or exterior cement plaster, cast-in-place or precast concrete, terra cotta, and approved exterior insulation and finish systems.
3. Unless otherwise specified herein, wall construction, covering, surface or facing materials, including, but not limited to, vinyl siding, aluminum and other metal siding and veneers, exterior plywood, particle board, fiberboard & hardboard siding, fiber cement lap & panel siding, and metal composite materials, shall not be used to comply with the requirements of this section.

Section 1612.3 Delete and replace with the following:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Kankakee, Illinois," dated May 5, 2003, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be part of this section.

Section 3410.2 Delete and replace with the following:

3410.2 Applicability. Structures existing prior to November 16, 1970, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings in Group H or I.

Section 8-03 to 8-05. Reserved.

ARTICLE II. RESIDENTIAL CODE

Section 8-06. Adoption of residential code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the International Residential Code, 2003 edition (Excluding Appendices A through J) as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Kankakee, in the State of Illinois, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of such Residential Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-07. Revisions to residential code. The following additions, insertions, deletions and changes are hereby made:

Section R101.1 Delete and replace with the following:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Kankakee, hereinafter referred to as “this code.”

Section R105.5 Delete and replace with the following:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 30 days after its issuance, or if the work authorized on the site by such permit is not completed within 180 days after issuance of the permit. The Building Official or Authorized Building Inspector are authorized to grant one or more extensions of time, for periods not to exceed 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section R108.2 Delete and replace with the following:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule specified in Section 108 of the International Building Code, as revised by Section 8-02 of this Ordinance.

Section R112 Delete and replace with the following:

SECTION 112 APPEALS

112.1 General. Appeals of orders, decisions or determinations made by the code (or building) official relative to the application and interpretation of this code shall be made in accordance with the provisions of Section 112 of the International Building Code.

Table R301.2 (1) Delete and replace with the following:

TABLE R301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load = 15, Wind Speed = 90 mph, Seismic Design Category = A, Weathering = Severe, Frost Line Depth = 42 inches, Termite = Moderate to heavy, Decay = Slight to moderate, Winter Design Temp = 0°F, Ice Shield Underlayment Required = Yes, Flood Hazards = May 5, 2003, Air Freezing Index = 1,500, Mean Annual Temp = 49.9°F.

Section P2603.6.1 Delete and replace with the following:

P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.

Section P3103.1 Delete and replace with the following:

P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least 42 inches above the roof or 42 inches above the anticipated snow accumulation, except that where a roof is

to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

Section 8-08 to 8-10. Reserved.

ARTICLE III. MECHANICAL CODE

Section 8-11. Adoption of mechanical code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the *International Mechanical Code, 2003 edition* (Excluding Appendices A & B) as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Kankakee, in the State of Illinois regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, citations and terms of said Mechanical Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-12. Revisions to mechanical code. The following additions, insertions, deletions and changes are hereby made:

Section 101.1 Delete and replace with the following:

101.1 Title. These regulations shall be known as the *Mechanical Code* of the City of Kankakee, hereinafter referred to as “this code.”

Section 106.4.3 Delete and replace with the following:

106.4.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 30 days after its issuance, or if the work authorized on the site by such permit is not completed within 180 days after issuance of the permit. The Building Official or Authorized Building Inspector are authorized to grant one or more extensions of time, for periods not to exceed 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 106.5.2 Delete and replace with the following:

106.5.2 Fee schedule. The fees for mechanical work shall be as specified in Section 108 of the *International Building Code*, as revised by Section 8-02 of this Ordinance.

Section 106.5.3 Delete and replace with the following:

106.5.3 Fee refunds. The code official is authorized to establish a refund policy

Section 108.4 Delete and replace with the following:

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a municipal code violation, punishable by a fine of not less than \$50 dollars or more than \$500 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Delete and replace with the following:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a municipal code violation, punishable by a fine as prescribed in Section 108.4.

Section 109 Delete and replace with the following:

SECTION 109 APPEALS

109.1 General. Appeals of orders, decisions or determinations made by the code (or building) official relative to the application and interpretation of this code shall be made in accordance with the provisions of Section 112 of the International Building Code, as revised by Section 8-02 of this Ordinance.

Section 8-13 to 8-15. Reserved.

ARTICLE IV. PROPERTY MAINTENANCE CODE*

Section 8-16. Adoption of property maintenance code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the *International Property Maintenance Code, 2003 edition*, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Kankakee, in the State of Illinois, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Code Official of the City of Kankakee are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-17. Revisions to property maintenance code. The following additions, insertions, deletions and changes are hereby made:

Section 101.1 Delete and replace with the following:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Kankakee, hereinafter referred to as "this code."

Section 103.5 Delete and replace with the following:

103.5 Fees. The fees for activities and services performed by the City of Kankakee and its Departments in carrying out its responsibilities under this code shall be as established by the corporate authorities, or

as otherwise provided herein.

Section 106.3 Delete and replace with the following:

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a municipal code violation. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant to thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 107.2 Delete and replace with the following:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following;

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being sent.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the authorized agent or owner of the right to appeal subject to the provisions set forth in Section 112 of the International Building Code, as revised by Section 80-2 of this Ordinance.

Section 107.3 Delete and replace with the following:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is;

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or,
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Service of such notice shall be presumed sufficient if served upon the last person identified as the owner of the premises as shown in the official records of the Office of the Supervisor of Assessments of Kankakee County, Illinois.

Section 111 Delete and replace with the following:

SECTION 111 APPEALS

111.1 General. Appeals of orders, decisions or determinations made by the code (or building) official relative to the application and interpretation of this code shall be made in accordance with the provisions of Section 112 of the *International Building Code*, as revised by Section 8-02 of this Ordinance.

Section 112 Add the following section:

SECTION 112 LICENSING OF DWELLINGS

112.1 Requirement for license. No person, corporation or other entity shall rent, lease or allow a person other than the legal owner to occupy any dwelling unit within the City of Kankakee, unless the City of Kankakee has issued a current unrevoked operating license in the name of the legal owner of record for the specific dwelling unit.

112.2 Initial license. An initial operating license shall be issued upon the inspection of the premises and the determination by the City of Kankakee that the premises are in compliance with the applicable Property Maintenance, Fire and Life Safety Codes as amended. Upon the issuance of an initial license, every operating license, with the exception of Section 8 properties which shall require a 1 year annual operating license, shall be issued for a period of 2 years from its date of issuance, unless sooner revoked as provided pursuant to the applicable sections of this code.

112.3 Applications for license. All applications for operating licenses shall be submitted on forms provided by the City of Kankakee and shall be verified by the legal owners of record. In the event that the legal owner of the premises designates a manager or agent other than the legal owner to be responsible for the maintenance or leasing of said premises, the name, address and phone number of the designated manager and/or agent shall also be included upon the application and the application shall also be verified by the manager/agent.

112.4 Inspection to be accomplished and effective failure to pass inspection. Upon receipt of a fully completed application, the City of Kankakee shall within 30 days of receipt of the completed application, schedule and conduct an inspection of the premises for which a license is sought. A license shall be sought for each dwelling unit, however, all dwelling units within a building shall be inspected simultaneously. The City shall refuse to issue an operating license for a building if any dwelling unit is found, after either the initial or any subsequent inspections, not to meet all applicable requirements of all codes of the City of Kankakee and statutes of the State of Illinois. In the event that a property, upon inspection, fails to pass said codes, the City of Kankakee and the owner shall schedule a re-inspection. In the event that any building fails to meet the code on the second inspection, the City of Kankakee shall conduct additional inspections as necessary to assure compliance with applicable codes. However, the third inspection after application shall require the payment of a \$100.00 dollars fee for the purposes of paying for said inspection. Each additional inspection shall require payment of \$300.00 dollars for each such inspection. All payments shall be required prior to the inspections occurring.

112.5 Application information required. All applications for operating license shall include the name and address of the tenants who are or will be residing in said dwelling unit and the total number of persons residing in said unit. If the property has not been leased at the time of the inspection, the license holder shall supply the names of the tenants within 30 days of the commencement date of the lease. It is the duty of the license holder to supply the identity of the tenant within 30 days after a change of occupancy. A change of occupancy is defined as the elimination of occupancy by one tenant and the initiation of occupancy of the dwelling unit by a different tenant.

112.6 Schedule of inspections. Sixty days prior to the expiration of an operating license, the City shall send a "Notice of Renewal Inspection" to the owner or designated manager/agent setting forth the requirement of the owner or manager/agent to schedule an inspection. The property shall thereupon be inspected for verification that the property continues to meet all applicable codes, statutes and regulations adopted by the City of Kankakee and the State of Illinois. Renewal licenses shall be issued upon a determination by the inspector that the building and all dwelling units within said building meets all applicable codes, statutes and regulations adopted by the City of Kankakee and the State of Illinois. Inspection or re-inspection procedures and costs for renewals of operating licenses shall be the same as for the initial operating license.

112.7 Alternate dates. Owners and designated managers/agents shall be allowed to reschedule an inspection on one occasion within the 30 day inspection period. Refusal to make the building or any dwelling unit within said building available for inspection on the designated date or on the one rescheduled date shall be grounds for revocation of the rental license.

112.8 Transfer of ownership. In addition to renewal inspections, inspections shall also be required to occur within 30 days of any transfer of ownership. Transfer of ownership shall be defined by the delivery of deed or by the notice of intent to transfer title by a contract lawfully recorded in office of the Kankakee County Records Office. In the event the property is not sold by recorded contract, the person whose name is currently shown as the owner on the last recorded title shall remain solely responsible for the renewal of this license until such time as a transfer of ownership is recorded. Inspection or reinspection procedures and costs for an issuance of operating license upon transfer of ownership shall be the same as for the initial license described herein. The grantor of any contract shall remain liable for any violations that have been identified and documented by the City of Kankakee Code Department prior to the said transfer.

112.9 Complaint inspection. Inspection shall also take place within 7 days upon the receipt by the City of Kankakee of a report of a suspected violation of the codes of the City of Kankakee. An inspection shall also take place in the event that a complaint is made by either the tenant or by an occupant of the rental building or by any law enforcement agency or government official. The license holder shall be provided with a written summary of the complaint and with the results of the inspection upon its completion. Follow up inspections shall also occur with reasonable notice given to the license holder to determine whether deficiencies found in previous inspections have been corrected. Compliant inspections shall not be based upon anonymous complaints.

112.10 Information provided by the city. The City of Kankakee shall provide all information which it may legally provide regarding prior written police contacts or prior residential addresses of any tenant candidates to license holders upon a written request, which request shall include authorization by the prospective tenant to release said information.

112.11 Limit on occupancy. No operating license shall be issued or renewed unless the applicant verifies on the application for operating license that they have limited or will limit the number occupants so as not to exceed the minimum area requirements of this code pursuant to Section 404.5.

112.12 Designation of manager/agent. No operating license shall be issued or renewed if the property owner is not a resident of the County of Kankakee, unless the legal owner of record designates, in writing to the City, the name of a City or County of Kankakee resident, 18 years or older, as their designated manager/agent for the receipt of service of "Notice of Violation" pursuant to the provisions of this code and for service of process pursuant to this code. Service of notice or process pursuant to this code shall be upon either the legal owner of record or the designated manager/agent.

112.13 Revocation of license. An operating license which has been previously issued shall be revoked if, following an inspection pursuant to this code, any dwelling unit within a rental building fails to meet all applicable requirements of all codes of the City of Kankakee and statutes of the State of Illinois. Upon the inspection determining that said property fails to meet said codes, a "Notice of Revocation" shall be issued. A copy of the notice of revocation shall be issued to all tenants living within the property which is the subject matter of the revocation. Upon notice of revocation all tenants may be required to vacate the premises, which are the subject of the revoked license. A legal owner of record may appeal the notice of revocation in accordance to the provisions set forth in section 111.1 of the International Property Maintenance Code, as revised by Section 8-02 of this Ordinance.

112.14 Effect of revocation of license. If a license is revoked, the property or any individual dwelling unit failing to comply with all applicable codes shall immediately be vacated and may not be occupied again until all code violations have been repaired and completed. Reinstatement of the revoked license will be authorized once all violations are in compliance. In the event of a revocation of the license, said property shall remain unoccupied for a period of 30 days from the date of the notice of revocation or upon issuance of a temporary license or proof of compliance with applicable codes, whichever is less.

112.15 Transferability of license. No operating license shall be transferable to another person or entity or another dwelling unit. Each person holding an unrevoked operating license shall give notice, in writing, to the City within 10 working days after having transferred or otherwise disposing of the legal control of any licensed dwelling unit. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling unit.

112.16 Lease provisions. All applicants for operating licenses under this code shall include in all written leases a provision which requires the tenants to permit the inspection of the premises which are the subject matter of the lease, said inspection to be conducted by a representative of the City of Kankakee. Said provision shall refer to Section 104.4.

112.17 Inspection checklist. All owners and authorized agents shall be provided the Property Maintenance and Housing Inspection Checklist prior to the initial rental license inspection of a property.

112.18 Additional inspections. In addition to the initial and biennial inspections, license holders may request additional inspections not to exceed two per year, for the purpose of ascertaining the conditions of the premises which are the subject of the license. The reports of these inspections shall be made available to the license holder upon the completion of said inspection. Said inspections, when requested by the license holder, shall be at no additional expense.

112.19 Renewal of license. No operating license may be renewed unless an application therefore has been made prior to the expiration of the existing operating license. In the event that a license is sought after the expiration date of the current license, the applicant for the license shall pay an additional fee of \$100.00 dollars for said license. Upon payment of the fee and the property being determined to be in compliance with all applicable rules and regulations and ordinances of the City of Kankakee and statutes of the State of Illinois, a license will thereupon be issued.

112.20 Minor violations. Whenever, upon inspection of a rental building, the City of Kankakee determines that conditions or practices exist which are in violation of any provision of this code, or any applicable code, statutes, rules or regulations adopted pursuant thereto, a notice of such violations shall be served upon the owner or designated manager/agent in the manner provided herein. A temporary license may be issued by the City of Kankakee provided:

- (1) That the violations do not present a condition of immediate danger or hazard to the life, safety or health of the tenants or occupants of dwelling unit, and,
- (2) That the owner or the operator has submitted a written plan to the City of Kankakee to assure complete compliance within a 60 day period. An additional 60 day period may be allowed solely due to weather conditions. Said extension may be granted only by the code official supervising the department. A building is in complete compliance when it complies with all applicable rules, regulations and ordinances of the City of Kankakee and statutes of the State of Illinois. A temporary license shall expire on the first day following the date of plan completion as agreed upon by the owner and/or designated manager/agent and the City of Kankakee in accordance with the written compliance plan.

112.21 Reinspection. In the event that, upon inspection, it is determined by a representative of the City of Kankakee that a time period should be allowed for the corrections of any violations cited, at the end of such time period, the City of Kankakee shall reinspect any dwelling unit for which corrections are to be made. The time period for the corrections shall be the subject of an agreement between the City of Kankakee and the holder of the license or, in the event that said agreement cannot be obtained, shall be solely in the discretion of the City of Kankakee based upon allowance for a reasonable period of time to complete the compliance with the alleged violations. In the event that at the termination of such a time period, it is determined that such violations have not been corrected, the City of Kankakee shall issue an order to the license holder revoking the current operating license. Said revocations shall occur in accordance with all provisions of this code. Owners requesting reinspection's following a revocation shall pay costs in accordance with this code as if the inspection following revocation were the third such inspection.

112.22 Issuance of license. If upon reinspection, the City of Kankakee determines that the dwelling unit in connection with which the notice was issued for suspension or revocation has come into compliance with all applicable code, statutes, rules and regulations, the City shall issue a biennial license.

112.23 Appeal process. Any person, whose operating license has been refused, suspended or revoked, shall be entitled to reconsideration of the order by appealing the decision in accordance with Section 8-02 of this Ordinance.

112.24 Landlord's consent for inspections. All applicants for operating licenses pursuant to this code shall be presumed to have given consent for the inspections of the property described in the license. In the event that a tenant refuses to consent to the inspection of the rental dwelling unit, while the tenant has possession thereof, the City of Kankakee is expressly empowered to obtain an administrative warrant for purposes of conducting said inspections. Any required inspection pursuant to this code shall be presumed to establish probable cause for the issuance of said warrant. In the event that such a warrant is sought, the notice shall be given to the license holder and the tenant regarding the issuance of the warrant. Delivery of a copy of the actual warrant shall be sufficient notice to comply with this section.

112.25 Time for inspections. All inspections herein shall be conducted between 9:00 A.M. and 3:30 P.M. on Monday through Friday, except in emergency situations in which the life, health and/or safety of any individual is threatened. Upon agreement by the applicant and the City, inspections may occur at other hours as the parties may agree.

112.26 Notice of inspections. Notice shall be given to the owner or designated manager/agent and tenant of a licensed dwelling unit at least 5 days in advance of any scheduled inspection, except in those situations in which there is a reasonable suspicion to believe that conditions exist which present a threat to the health or safety of the occupants therein; or a complaint lodged by the occupants of the dwelling unit; or a request made by a prospective tenant accompanied by the written consent of the owner or designated manager/agent.

112.27 Tenants' responsibilities. It shall be the tenant's responsibility under this code as follows:

The tenant shall:

- (1) Comply with all obligations imposed upon them by provisions of the codes, statutes, rules and regulations applicable to the dwelling unit;
- (2) Maintain the dwelling unit and the premises of said dwelling unit occupied by said tenant in as safe a condition as the condition of the premises permits;

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- (3) Keep all plumbing fixtures in the dwelling unit as clean as their condition permits;
- (4) Dispose from the tenant's dwelling unit all garbage, rubbish, and other waste in a clean and safe manner and assure that the property upon which the dwelling unit is located is kept free from garbage, rubbish and other waste;
- (5) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities, fixtures and appliances;
- (6) Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any other person to do so;
- (7) Conduct him or herself and require other persons invited by him on the premises or present with his consent, to conduct themselves in a manner that will not disturb that tenant's neighbor's peaceful enjoyment of the premises; and,
- (8) Conduct himself or herself at all times in compliance with the Ordinances of the City of Kankakee, and the statutes of the State of Illinois and the United States.

Section 302.4 Delete the first paragraph and replace with the following:

302.4 Weeds. All premises and exterior property, including fence lines, shall be maintained free from weeds or plant growth in excess of 6 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, trees and shrubs provided, however, this term shall not include cultivated flowers and gardens. All fence lines shall be maintained free from weeds or plant growth, in excess of 6 inches in height, that is intertwined with a fence excluding cultivated vines, hedges or shrubs.

Section 302.4.1 Add the following subsection:

302.4.1 Weeds in fences. Any trees, grasses, annual plants and vegetation, excluding cultivated vines, hedges and shrubs, in excess of 6 inches in height, growing along a fence line and intertwined with a fence shall be prohibited.

Section 302.8 Delete and replace with the following:

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle, or parts thereof, shall be parked, kept or stored outdoors on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exceptions:

1. Inoperative or unlicensed motor vehicles, including parts thereof, may be parked, kept or stored on any premise used or intended for residential occupancy, and shall be permitted to undergo major overhaul, excluding body work, provided they are retained, and such work is performed, inside a fully enclosed building or accessory structure, including garages.
2. Except as provided for in other regulations, inoperative or unlicensed motor vehicles, including parts thereof, may be parked, kept or stored outdoors on any premise used or intended for the purpose of providing motor vehicle repair services to the public, provided such vehicles, or parts thereof, are retained inside an approved area fully enclosed by a solid wall or similarly designed

fence.

Section 302.50 Add the following subsection:

302.50 Outdoor storage. The outdoor storage of equipment, materials or furnishings, including, but not limited to, indoor furniture, household appliances, auto parts or building materials on all residential property and premises is prohibited. The use of exterior stairways, decks, porches and balconies for outdoor storage shall be prohibited.

Section 302.51 Add the following subsection:

302.51 Trees. All premises and exterior property shall be maintained free from dead, diseased or insect infested trees or shrubs, including trees or shrubs found in whole or in part to be unsafe or otherwise present a danger to life, health, property or safety of the public or occupants of the premises.

Section 304.14 Delete the first paragraph and replace with the following:

304.14 Insect screens. During the period from April 15th to October 15th, every door, window and other outside openings required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Section 304.50 Add the following subsection:

304.50 Window and exterior door openings. The boarding over of windows and exterior door openings with plywood or other materials shall be prohibited.

Exception: Window and exterior door openings boarded over for the purpose of temporarily securing a building, structure or premises from the elements or to prevent entrance from trespassers shall be permitted provided a minimum of ½ inch exterior plywood or equivalent material is used to secure such openings; and; provided that all such windows and exterior door openings do not remain boarded-up for a period of not more than 90 days. The code official is authorized to grant one or more extensions of time, for periods of not more than 30 days each, subject to written request and demonstration of justifiable cause.

Section 305.6.1 Add the following subsection:

305.6.1 Keyed locks. Keyed locks or deadbolts shall be prohibited on all interior doors used to access bedrooms or other habitable spaces used or occupied for sleeping purposes, excluding lawfully established rooming units complying with the requirements of Section 304.18.1.

Section 307.3.3 Add the following subsection:

307.3.3 Placement of containers. Garbage containers shall not be placed at, on or near a street or alley right-of-way for pick-up more than 24 hours before, nor more that 24 hours after, the scheduled weekly pick-up day.

Section 350 Add the following section:

SECTION 350 LEAD-BASED PAINT

350.1 General. Buildings or portions thereof containing Group R-2 and R-3 occupancies and childcare facilities in Group E, I-2, and I-4 occupancies (see Chapter 3 of the International Building Code) constructed before 1978, shall be maintained in accordance with this section, unless surfaces are found, by an independent contractor certified in accordance with 40 CFR Part 745.226, to contain lead levels less than 1.0 milligrams per square centimeter or 0.5 percent lead by weight.

350.2 Deteriorated paint. Peeling, chipping, flaking or abraded lead-based paint shall be repaired, removed or covered.

350.3 Dust and debris. Dust and debris from deteriorated lead-based paint or maintenance activities that disturb lead-based paint shall be removed using wet sweeping High Efficiency Particulate Air (HEPA) filtered vacuum and or detergents with a two-step rinse. After cleaning, lead contamination shall not exceed 100 micrograms per square foot (093 milligrams per square meter) for uncarpeted floors and 500 micrograms per square foot (4.65 milligrams per square meter) for interior window sills.

350.4 Prohibited work practices. The following work practices shall be prohibited for lead-based paint repair and removal.

1. Power abrasion, power sanding or power planing without High Efficiency Particulate Air (HEPA) filtered vacuum attachment.
2. Methylene chloride paint stripping.
3. Un-contained abrasive or un-contained water blasting.
4. Dry scraping more than one square foot of lead-based paint per room.
5. Dry sanding.
6. Open flame burning or heat gun with a temperature greater than 1,100° F.

350.5 Unsafe structures. Buildings or portions thereof containing Group R-2 and Group R-3 occupancies and childcare facilities in Group E, Group I-2 and Group I-4 occupancies (see *Chapter 3 of the International Building Code*) constructed before 1950, that the code official finds to be unfit for human occupancy or otherwise condemns in accordance with Section 110 of this code, shall not be occupied until determined to be lead-safe by an independent contractor certified in accordance with 40 CFR Part 745.226.

Section 602.3 Delete the first paragraph and replace with the following:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15th to April 15th to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

Section 602.4. Delete the first paragraph and replace with the following:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to April 15th to maintain a temperature of not less than 65°F during the period the spaces are occupied.

Section 8-18 to 8-20. Reserved.

ARTICLE V. PLUMBING CODE

Section 8-21. Adoption of plumbing code. That a certain document, a copy of which is on file in the office of the

Code Official of the City of Kankakee, being marked and designated as the Illinois Plumbing Code, as published by the Illinois Department of Public Health, be and is hereby adopted as the Plumbing Code of the City of Kankakee, in the State of Illinois, regulating and governing the construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Kankakee; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, citations and terms of said Plumbing Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-22. Revisions to plumbing code. The following additions, insertions, deletions and changes are hereby made:

Section 890.1945 Add the following section:

Section 890.1945 Appeals.

Appeals of orders, decisions or determinations made by the code (or building) official relative to the application and interpretation of this code shall be made in accordance with the provisions of Section 112 of the International Building Code, as revised by Section 8-02 of the Ordinance.

Section 890.1960 Add the following section:

Section 890.1960 Permits.

- a) **Required.** Any owner or authorized agent who intends to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code (or building) official and obtain the required permit.
- b) **Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City of Kankakee. Permits shall not be required for the following work or as otherwise so designated in Section 105 of the International Building Code:
 - 1) The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 - 2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- c) **Fees.** The fees for plumbing work shall be as specified in Section 108 of the International Building Code, as revised by Section 8-02 of the Ordinance.

Section 8-23 to 8-25. Reserved

ARTICLE VI. ELECTRICAL CODE

Section 8-26. Adoption of electrical code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the National Electrical Code, 2005 edition (Including Article 80) as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of the City of Kankakee, in the State of Illinois, regulating and governing the installation of electric conductors, electric equipment, signaling and communications conductors and equipment, fiber optic cables and raceways, conductors and equipment that connect to the supply of electricity for public and private premises, including buildings, structures, mobile homes, recreational vehicles, floating buildings, yards, lots, parking lots, carnivals, industrial substations, and installations used by electric utilities, including office buildings, warehouses, garages, machine shops and recreational buildings that are not an integral part of a generating plant, substation or control center; by providing the standards for supplied electrical utilities and facilities essential to ensure that structures are safe and fit for occupation and use; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, citations and terms of said Electrical Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-27. Revisions to electrical code. The following additions, insertions, deletions and changes are hereby made:

Section 80.2 Add the following definition:

Electrical Contractor. Any person engaged in the business of installing or altering by contract or otherwise, electrical equipment for the utilization of electricity supplied for light, heat or power, excluding: radio apparatus or equipment for wireless reception of sounds and signals; and, apparatus, conductors and other equipment installed for, or by, public utilities, including common carriers under the jurisdiction of the Illinois Commerce Commission, for use in their operation as public utilities; and, any employee employed by such electrical contractor to do supervisory work.

Section 80.15 Delete and replace with the following:

80.15 Appeals.

(A) General. Appeals of orders, decisions or determinations made by the Code Official or Electrical Inspector relative to the application and interpretation of this code shall be made in accordance with the provisions of Section 112 of the *International Building Code*, as revised by Section 8-02 of this Ordinance.

Section 80.19(E)(1) Add the following subsection:

- (1) The fees for electrical work shall be as specified in Section 108 of the International Building Code, as revised by Section 8-02 of this Ordinance.

Section 80.19(F)(3) Delete and replace with the following:

- (2) When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector or until 10 days have elapsed from the time of such notification, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the process of the work

Section 80.23(B)(3) Delete and replace with the following:

- (3) Any the person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a municipal code violation and, upon conviction thereof, shall be punished by a fine of not less than \$50.00 dollars or more than \$500.00 dollars for each offense, together with the cost of prosecution.

Section 80.25(C) Delete and replace with the following:

- (C) **Notification.** If, within 3 business days after the Electrical Inspector is notified of the completion of an installation of electrical equipment, other than a temporary approval installation, the Electrical Inspector has neither authorized connection nor disapproved the installation, the supplier of electricity is authorized to make connections and supply electricity to such installation.

Section 80.27(A) Delete and replace with the following:

- (A) **Certificate.** All Electrical Inspectors shall be certified by a nationally recognized inspector program. The certification program shall specifically qualify the inspector in electrical inspections. No person shall be employed as an Electrical Inspector unless that person is the holder of an Electrical Inspector's certificate of qualification, except that any person who on the date on which this law went into effect was serving as a legally appointed Electrical Inspector of the City of Kankakee shall, without examination, be permitted to continue to serve as an Electrical Inspector in the same territory.

Section 80.27(B)(3) Delete and replace with the following:

- (3) Be well versed in the statutes of the State of Illinois relating to electrical work and the National Electrical Code, as approved by the American National Standards Institute

Section 80.27(B)(4) Delete and replace with the following:

- (4) Have had at least 2 years experience as an Electrical Inspector or 3 years in the installation of electrical equipment. In lieu of such experience, the applicant shall be a graduate in electrical engineering or of a similar curriculum of a college or university considered as having suitable requirements for graduation and shall have had 2 years' practical electrical experience.

Section 80.29 Delete and replace with the following:

80.29 Liability for Damages. Article 80 shall not be considered to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by defect therein, nor shall the City of Kankakee or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

Section 80.35 Delete and replace with the following:

80.35 Effective Date. Article 80 shall take effect from and after the date of its final passage and publication as provided by law.

Section 80.50 Add the following section:

80.50 Licensing of Electrical Contractors

(A) License Required. It shall be unlawful for any person to engage in the business of electrical contractor (as defined in Article 80 of this Code) without being first duly licensed as an electrical contractor as set forth herein. However, if a person is currently licensed (by written examination) in another municipality within the State of Illinois, he/she shall not be required to take the examination provided for hereinafter, but shall be required to register with the City's Electrical Inspector and pay an annual registration fee as provided herein. No person shall install or alter any electrical wiring, devices or equipment, or engage in the business of an electrical contractor, unless he/she is currently licensed by the City as provided herein. The owner of a one- or two-family dwelling which he/she occupies, or intends to occupy, as his/her own residence, may install electrical wiring, devices and equipment (excluding electrical service meter cabinets, distribution breakers and fuse panels) in such dwelling, provided however that:

- (1) A permit is secured for such work as required by this Code;
- (2) An inspection be conducted and the work approved before occupancy and use of the premises; and,
- (3) All such work conform to the requirements of this Code.

All commercial and industrial electrical wiring, devices and equipment installations shall be performed by a licensed electrical contractor possessing a Class-A license, as provided herein.

(B) Application, Qualifications and Examination.

(1) Application. Any person desiring to engage in the business of electrical contracting shall apply to the City's Electrical Inspector for a license. Electrical contractors licenses shall be divided into 2 classifications, which shall be defined as either a "Class-A" or a "Class-B" license. A "Class-A" license shall entitle the electrical contractor so licensed to engage in services encompassing all forms of electrical installation and maintenance. A "Class-B" license shall entitle the contractor so licensed to engage in services encompassing electrical installation and maintenance for one- and two-family dwellings only.

(2) Qualifications. Those persons applying for "Class-A" license shall have a minimum of 4 years experience as a journeyman electrician in all phases of electrical installation, including residential, commercial and industrial applications. Those persons applying for a "Class-B" license shall have a minimum of 2 years experience as a journeyman in one- and two-family residential wiring applications.

(3) Examination. Before an electrical contractor license is issued, the applicant, following reasonable advance notice, shall present himself/herself for written (and/or oral) examination before the City's Electrical Inspector, at a reasonable date, place and time so determined by the Electrical Inspector. The Electrical Inspector shall examine such applicant as to his/her practical knowledge of the installation, alteration and maintenance of electrical equipment and devices, and the rules and regulations governing the installation of electrical wiring equipment and devices as set forth in this Code. In the event an applicant fails to pass the examination, he/she shall not be eligible for re-examination within 6 months of the date of his/her last examination.

(C) Fees and Expiration of License. The license fee for an electrical contractor, who has completed the required examination, as provided herein, shall be \$50.00 dollars per annum, which shall be paid by the applicant to the City upon filing for application. The license fee for an electrical contractor who is currently registered in another municipality within the State of Illinois, shall be \$100.00 dollars per annum, which sum shall be paid by the applicant to the City upon filing for the license. The license described herein shall expire on the 30th day of April of each year.

(D) Revocation and Transfer of Certificate. A license issued by the Electrical Inspector under the provisions herein may be revoked for refusal of any licensed electrical contractor to correct work which he/she has installed improperly,

or for repeated and obvious lack of ability or desire to perform his/her work properly, when directed to do so by the Electrical Inspector. A license issued under the provisions herein shall not be loaned, rented, assigned or transferred.

Section 8-28 to 8-30. Reserved.

ARTICLE VII. ILLINOIS ACCESSIBILITY CODE

Section 8-31. Adoption of accessibility code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the Illinois Accessibility Code (71 Ill. Adm. Code 400) as published by the Illinois Capital Development Board, be and is hereby adopted as the Accessibility Code of the City of Kankakee, in the State of Illinois, regulating and governing the built environment, including all spaces and elements of all applicable buildings and facilities in the City of Kankakee, State of Illinois, to ensure that all such buildings and facilities are so designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and usable by, environmentally limited persons; and each and all of the regulations, standards, provisions, penalties, citations and terms of said Accessibility Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-32 to 8-35. Reserved.

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