

CHAPTER 67.2

RESIDENTIAL BUILDING CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code except as modified by the provisions of this Chapter.

2. **RESIDENTIAL BUILDING CODE.** The same having been duly placed and remained on file as required by law and subject to the additions, modifications, changes or deletions set out in this Chapter, The International Residential Code/2015 of the International Code Council, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited as, “The Residential Building Code” of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter. (Amended, Ordinance 2018-65, November 5, 2018, Effective January 1, 2019)

3. **SUBSTITUTIONS.** Whenever in said Code the words, “name of the jurisdiction” or “jurisdiction” appears in brackets, said Code is modified by removal of said brackets and substitution of the words “the City of Decatur, Illinois”, in lieu of the words contained therein, and said Code shall be taken and construed as if such were expressly so set out therein.

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the “code official”, such shall be taken to mean and shall be construed to refer to the Building Inspections Manager or his designee as fully as if said designation was set out therein in lieu of

such words; whenever reference is therein made to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2020-02, January 6, 2020, Effective February 1, 2020)

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2009-39, May 18, 2009)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the Board of Appeals, such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City. (Amended, Ordinance 2018-65, November 5, 2018, Effective January 1, 2019)

6. **REFERENCES.** All references in the International Residential Code to other codes shall be deleted and shall instead refer to the current city adopted property maintenance, electrical, mechanical, and plumbing codes. All references in said code to “wood foundations” shall not apply.

7. **DELETIONS.** The following numbered Chapters, Articles or Sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

Section Number (inclusive)

R103

R109.1.1

R309.5

R313

R314 (in lieu of 425 ILCS 60 Smoke Detector Act)

R315 (in lieu of 430 ILCS 135 Carbon Monoxide Alarm Detector Act)

(Amended, Ordinance 2018-65, November 5, 2018, Effective January 1, 2019)

8. AMENDMENTS.

(a) R105.2 – subsection 2. delete as an exemption; subsection 3. Insert the words, “All retaining walls are exempt” in lieu of “walls over four feet in height”; subsection 10. delete as exemption.

(b) R105.5 - Include the words “or verbally” after the words in the second sentence, “The building official is authorized to grant, in writing.” Add to paragraph “Additional fees may be assessed not to exceed \$50.00.

(c) Table R301.2(1) - Add the following values to the table: Roof Snow Load, 20 PSF; Wind, Speed 115 MPH, Seismic Design Category, B; Weathering, Severe; Frost Line Depth, 36 inches; Termite, moderate to heavy; Decay, slight to moderate. Ice Barrier underlayment required, yes; Flood Hazards, 8/1/79; Air Freezing Index, 1152; Mean Annual Temp. 52.

(d) R302.1 - Change first paragraph to: “Exterior walls with a fire separation distance less than three (3) feet shall have not less than a one (1) hour fire resistive rating with exposure from both sides.”

(e) R317.1(2) Delete the last part that reads “and are less than 8 inches from the exposed ground.”

APPENDIX ADOPTIONS

(f) Appendix J, “Existing Building and Structures” - adopt in entirety.

(Amended, Ordinance 2018-65, November 5, 2018, Effective January 1, 2019)

9. **APPLICATION FOR PERMIT.** Application for a permit required by said Code or this Chapter shall be made by the owner or the person or the person or entity in or entitled to possession of the premises where the proposed work is to be done, or by the agent of either, or by the engineer, architect or contractor connected with such work. All applications for building permits shall be accompanied by complete and finalized plans, specifications, and cost estimates.

(Amended, Ordinance No. 2020-02, January 6, 2020, Effective February 1, 2020)

10. **FEE.** No permit shall be issued except upon prior payment of the total building fees as set forth in Chapter 67, Section 9. The fee schedule set forth is cumulative and is in addition to all other fees required by applicable provisions of the municipal code, unless specifically noted to the contrary. All applications for building permits shall be accompanied by complete and finalized plans, specifications, and cost estimates.

(Amended, Ordinance No. 2020-02, January 6, 2020, Effective February 1, 2020)

11. **WORK DONE WITHOUT PERMIT.** Should any work for which a permit is required be commenced or be done before such permit is issued and obtained, the required permit may nonetheless be issued for such and subsequent work; however, the amount of the required fee as provided herein for all work, both that commenced before and that proposed to be done after said permit is issued, shall be double that otherwise so provided, and issuance of such permit shall not, and shall not be, and shall not be construed to be, an excuse from, or waiver of, or defense to or absolution from any penalty, liability or action otherwise provided for in said Code or this Chapter but shall be cumulative of and in addition thereto.

12. **RISK OF INJURY.** Whenever application for a permit indicates that a part of a public way or other property of the City will be used for storage of material, or be closed, or otherwise used appurtenant to the work to be done under such permit, or application is made for a permit to move a building or structure, or application is made for a permit to demolish a building or structure other than one not exceeding 20 feet high above grade and with a minimum separation from the nearest other existing structure of five feet and the nearest property line of a public way of not less than ten feet, if by reason of the size, condition, or location thereof it appears to the building official there will exist the possibility or risk of injury to persons or property, such official may withhold such permit unless there is on file with the Finance

Department an enforceable contract of insurance, with the person or the entity that is to perform the work and the City as named insured, affording coverage for each occurrence of personal injury of not less than \$500,000 and for property damage of not less than \$100,000 and expressly provided that the same remain in effect for the term thereof absent written notice of cancellation received by said Clerk, in which event said permit shall automatically terminate to the same extent as if the same had been physically withdrawn and canceled.

13. **PENALTY.** Any person or entity that erects, constructs, alters, repairs, removes or demolishes a building or structure without a permit required by said Code or this Chapter, or in departure from or not in compliance with an approved plan, or that uses or occupies a building or structure, or part thereof, contrary to the provisions of this Code or without a required permits, whether or not notice is received that such is a violation, or that continues work after a stop-work order has been issued, served or posted, or that removes such a posted order, or that procures or causes another to do, or to omit, as the case may be, any of the foregoing, or that having been given notice thereof otherwise violates or fails to comply with the provisions of said Code or this Chapter shall be fined no less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense. (Amended, Ordinance No. 2011-75)

14. **OTHER REMEDIES.** The penalties provided herein are and shall be cumulative of and in addition to any other remedy, or remedies, provided for in said Code of this Chapter.

15. **RE-INSPECTION FEES.** A re-inspection fee of \$45.00 shall be assessed the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by

the Inspection Division for any of the following reasons: (Amended, Ordinance No. 2020-02, January 6, 2020, Effective February 1, 2020)

- 1) The work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made;
- 2) The inspection reveals that there are violations which should have been found and corrected by workers while simply checking their work before calling for an inspection.
- 3) The work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made;
- 4) The Inspector is unable to gain entry at the time requested by the contractor, or
- 5) When previously noted violations have not been corrected.

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section of this Chapter.

No Certificate of Occupancy shall be issued for any building for which re-inspection fees are unpaid.

16. **WITHHOLDING OF PERMITS.** Building permits may be withheld from permit applicants, or in the case of combined permits from the license subcontractor, who is in violation of Chapters 67, 67.2, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought.

Such violation may include, but shall not be limited to the following:

(a) Failure to arrange for inspections required under Chapters 67, 67.2, 68, 69, and/or 70.1 of the City Code within a reasonable time frame.

(b) Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.

(c) Failure to pay required permit or re-inspection fees.

(d) Failure to obtain a building permit for work which required a building permit.

(e) Failure to take reasonable action to notify and obtain approval from division of changes made to approved building permits.

(f) Falsifying information on building permit applications.

(g) Performance of building permit work under an invalid or voided building permit.

(h) Failure to obtain a required Certificate of Occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or license subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or license subcontractor of the violations

which, if corrected, will allow the City to issue to the permit applicant or licensed subcontractor, additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

The withholding of permits as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

17. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable, and invalidity of any section or provision of this Chapter or the codes and standards hereby adopted shall not invalidate other sections or provisions hereof.

18. **REPEALED.** That existing provisions of ordinances not in conformity with the provisions of this Chapter are, to the extent of such nonconformity, amended, modified or repealed so as to conform with the provisions hereof.