CHAPTER 24
BUILDING CODE

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24.01 ADOPTION OF BUILDING CODE *Amended, 17-11-2, 09-12-6, 07-2-3*

The following list of codes are hereby adopted and amended as part of the City Building Code for the control of buildings and structures as therein provided for each code. Except as provided in Section 24.02 of this Chapter, each and all of the regulations, provisions, penalties, conditions and terms contained in each code described below are hereby referred to, adopted and made a part hereof as if fully set forth in this Chapter.

1. 2015 International Building Code ("IBC");
2. 2000 Life Safety Code NFPA 101
3. Current Edition International Energy Conservation Code (Commercial & Residential Projects)
4. 2015 International Residential Code ("IRC");
5. 2015 International Property Maintenance Code ("IPC");
6. 2015 International Mechanical Code;
7. 2015 International Fire Code; ("IFC");
8. 2015 International Existing Building Code;
9. 2015 International Fuel Gas Code;
10. 2014 National Electrical Code ("NEC");
11. Current Edition Illinois State Plumbing Code; and
12. Current Edition Illinois Accessibility Code.

All words contained in the codes which refer to the municipality or other words of similar meaning shall mean the City of Marengo. The words "municipal authority" or "government authority" or words of similar meaning shall, for purposes of this Chapter 24, mean the City Council. The words "enforcing officer," "hearing officer," "building inspector," "building official" or other words of similar meaning shall refer to the person or entity designated by the City Council to act in that capacity. Words which refer to permit fees shall mean those fees found in Exhibit A of this Chapter 24.

24.02 EXCEPTIONS *Amended, 17-11-2, 07-2-3, 04-4-1*

Each and all of the regulations, provisions, penalties, conditions and terms contained in each code adopted in Section 24.01 herein are hereby referred to adopted and made a part hereof as if fully set forth in this Chapter 24, except as provided below:

Exceptions to the codes adopted in Section 24.01 of this Chapter are:

Building Code Requirement	***Code(s) Section/Table***
General. Title. Insert (second line): City of Marengo, McHenry County, Illinois	2015 IBC 101.1
General. Plumbing. Delete: International Plumbing. Insert: Illinois State Plumbing Code, Current Edtion.	2015 IBC 101.4.3
Permits. Work exempt from permits. Insert: "Permits shall not be required for the following unless otherwise required by the Marengo Building Code."	2015 IBC 105.2
Board of Appeals. Delete: Sections 113.1 through 113.3. Insert: "Any person shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted or the provisions of this code to not fully apply."	2015 IBC 113
Automatic Sprinkler System. General. Delete: First paragraph. Insert: Systems shall comply with this section. New construction activity (excluding the remodeling or alteration of existing buildings and structures and not involving a change in use) for all use groups having a fire area exceeding five-thousand (5,000) or more square feet shall be required to install an automatic sprinkler system as follows: When additions are made to an existing building or structure have an existing fire area of five-thousand (5,000) square feet or less, and when such additions result in the building or structure having an aggregated fire are of seventy-five-hundred (7,500) or more square feet, an automatic sprinkler system is required and shall be provided.	2015 IBC 903.1
Doors, Gates, and Turnstiles. Delete Item 2	2015 IBC 1010.1.9.3

Accessibility. Delete Chapter 11 and any reference to accessibility within the International Building Code. All accessibility references shall be deferred to the Illinois Accessibility Code (current edition)	2015 IBC Chapter 11
Footings and Foundations (Timber footings & Permanent Wood Foundation systems) Delete all sections	2015 IBC 1809.12, 1810.3.2.4, and 1807.1.4
Scope. Delete: Provisions of the ICC Electrical Code Insert: Provisions of the National Electrical Code 2014 version	2015 IBC 2701.1
Scope. Delete: International Plumbing Code. Insert: Illinois State Plumbing Code	2015 IBC 2901.1
Insert: City of Marengo, McHenry County, Illinois	2015 IPMC 101.1
Delete: Fee Schedule	2015 IPMC 103.5
Board of Appeals. Delete: Sections 111.1 through 111.8. Insert: "111.1 Board of Appeals. Any person shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted or the provisions of this code do not fully comply."	2015 IPMC 111
Weed Height. Insert: Eight (8) inches	2015 IPMC 302.4
Insect Screens. Insert: April 1 and October 31	2015 IPMC 304.14
Heat Supply. Insert: September 1 and April 30	2015 IPMC 602.3, 602.4
General. Title. Insert: City of Marengo, McHenry County, Illinois	2015 IMC 101.1
Permits. Fee Schedule. The current language in this section is deleted and replaced with the following: "The fees for mechanical work shall be as set forth by the Marengo City Council."	2015 IMC 106.5.2
Permits. Fee Refunds. Delete in its entirety	2015 IMC 106.5.3
Board of Appeals. Delete: Section 109.1 through 109.7. Insert: "109.1 Means of Appeal: Any person shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted or the provisions of this code do not fully apply."	2015 IMC 109
General. Title. Insert (second line): City of Marengo, McHenry County, Illinois	2015 IFC 101.1
General. Referenced codes and standards. Insert: "101.6 referenced codes and standards. Where the following codes and standards are indicated within the International Fire Code, they shall be replaced as indicated: 1. International Plumbing Code- replace with Illinois State Plumbing Code (latest edition) 2. ICC Electrical Code- replace with the National Electric Code (the	2015 IFC 101.6

edition as adopted by the City of Marengo)	
Permits. Permits Required. Insert: "Permits required by this code, or by the Marengo City Code…"	2015 IFC 105.1.1
Maintenance. Test and Inspection Reports. Insert: "…filed with the fire code official. Contractors conducting required periodic testing shall forward to the City of Marengo Department of Building & Zoning, copies of required test and inspection records as follows: 1. Within 10 business days following the required test and inspection if there are no impairments found during the testing and inspection of the system or equipment. 2. Within 3 business days following the required test and inspection if the testing and inspection indicates any impairment(s) to the system of equipment. "	2015 IFC 107.2.1
Board of Appeals. Delete: Sections 108.1 through 108.3. Insert: "108.1 Board of Appeals. Any person shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted or the provisions of this code do not fully apply."	2015 IFC 108
Definitions: Fire Lane. Insert: "…other than fire apparatus, access roads shall be constructed of an asphalt or concrete surface capable of supporting a vehicle weight of 75,000 pounds and shall be of a design approved by the City Engineer."	2015 IFC 502.1
Key Boxes. Where required. Delete: "…the key box shall be of an approved type and shall contain keys to gain access as required by the code official. Insert: "…in an accessible location. The key box shall be purchased from the Marengo Fire/Rescue District and shall be installed in a location approved by the fire district. Building mater and fire alarm system access keys shall be provided as requested by the fire department."	2015 IFC 506.1
Fire Department Access to Equipment. Identification and Lighting. Insert: "509.1 Identification and Lighting. Delete: Current verbiage. Insert: "All doors providing access to fire sprinkler riser control valve rooms and the main fire alarm control panel room shall be labeled "fire sprinkler controls" and/or fire alarm controls" as appropriate. Illumination shall be provided within all fire sprinkler and fire alarm control rooms, and in the immediate vicinity of all equipment not provided within a dedicated room, in accordance with Section 1008.1."	2015 IFC 509.1
Automatic Sprinkler System. General. Delete: First paragraph. Insert: 903.1 General. Automatic sprinkler systems shall comply with this section. New construction activity (excluding the remodeling or alteration of existing buildings and structures and not involving a change in use) for all use groups having a fire area exceeding five-thousand (5,000) or more square feet shall be required to install an automatic sprinkler system, except as	2015 IFC 903.1

follows: When additions are made to an existing building or structure having an existing fire area or five-thousand (5,000) square feet or less, and when such additions result in the building or structure having an aggregated fire area of seventy-five-hundred (7,500) or more square feet, an automatic sprinkler system is required and shall be provided.	
Doors, Gates, and Turnstiles. Locks and Latches. Delete: Item 2	2015 IFC 1010.1.9.3
General. Title. Insert (second line): City of Marengo, McHenry County, Illinois.	2015 IEBC 101.1
Board of Appeals. Delete: Sections 112.1 through 112.3 Insert: "112.1 Board of Appeals. Any person shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted or the provisions of this code do not fully apply."	IEBC 112
General. Title. Insert: City of Marengo, McHenry County, Illinois	2015 IFGC 101.1
Permits. Fee Schedule. Delete: Current language Insert: "The fees for mechanical work shall be as set forth by the Marengo City Council."	2015 IFGC 106.6.2
Board of Appeals. Delete: Sections 109.1 through 109.7. Insert: "109.1 Board of Appeals. Any person shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply."	2015 IFGC 109
General. Insert: City of Marengo, McHenry County, Illinois	2015 ISPSC 101.1
Permits. Fee Schedule. The current language in this section is deleted and replaced with the following: "The fees for Pool and Spa work shall be as set forth by the Marengo City Council."	2015 ISPSC 105.6.2
Permits. Fee Refunds. Delete in its entirety.	2015 ISPSC 105.6.3
Board of Appeals. Delete: Section 108.1 through 108.7. Insert: "108 Means of Appeal. Any person shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted of the provisions of this code do not fully apply."	2015 ISPSC 108
Amendments: Annex H 80.5 Electric Board Delete: Section 80.5 Insert: "80.5 Electric Board. Any personal shall have the right to appeal to the City of Marengo on a decision of the application and interpretation of this code by the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder	2014 NEC 80.5

has been incorrectly interpreted or the provisions of this code do not fully apply."	
Services: Insert: At the end of 230.1 above ground electrical services must be in galvanized rigid or intermediate metal conduit only, and installed in accordance with the height and location requirements set forth in the National Security Code.	2014 NEC 230
Armored Cable. 320.10 Uses permitted. Insert: Type AC cable, commonly referred to as "BX" wire, may be used in one and two family residential dwellings. Wiring in residential buildings greater than two family shall be in metal conduit. All non-residential buildings shall be in metal conduit.	2014 NEC 320
Delete: Article 334 Insert: The use of non-metallic sheathed cable (types NM, NMC, and NMS), commonly referred to as "Romex wire" is not allowed within the City except in the extension of an existing circuit of the same material.	2014 NEC 334

24.03 BUILDING PERMIT APPLICATION

A. No building or structure shall hereafter be erected or altered until a building permit is issued by the Building Commissioner. A permit shall not be issued unless the proposed construction and use of the land comply with the ordinances of the City.

B. When a complete building permit application is submitted to the Building Department, the Building Commissioner shall review the application for Code compliance. Should the application comply with the provisions of this Code, a building permit shall be issued. In the event a permit application is rejected, the reasons shall be put in writing.

C. APPLICATIONS FOR PERMITS:

1. GENERAL PROVISIONS:

(a) The application for a permit shall be in writing using forms provided by the City. A permit application is not considered complete until all applicable items of information on said forms have been provided, and all accompanying information as required in this Section 24.03 has been furnished.

(b) A permit may be amended during the course of work according to the regulations provided for in this Chapter 24 and the payment of any applicable fees. However, any alterations or additions to be made after completion of the work shall require the issuance of another permit.

(c) The City may adopt reasonable administrative procedures for the processing of permit applications from time to time in order to better carry out the purposes, intent and regulations of this Chapter 24.

2. INFORMATION ACCOMPANYING PERMIT APPLICATIONS:

(a) Each building permit application shall be accompanied by the following material:

(1) For multiple-family, commercial and industrial buildings and build-outs, 4 full sets of drawings of the proposed construction. All pages of said drawings shall be signed and stamped by an Illinois licensed architect or engineer. Said signatory shall also certify that the submitted plans meet the minimum standards under all applicable building codes of the City.

(2) A plat of survey of the lot showing the existing and proposed building(s), structure(s), underground facilities, easements and driveways, as well as building footprints on all immediately adjoining lots.

(3) For single family, 2 full sets of drawings of the proposed construction. It is recommended that all drawings be signed and stamped by an Illinois licensed architect or professional engineer.

(4) For all structures proposed to be constructed over an existing structure, 2 sets of drawings signed and stamped by an Illinois licensed architect or professional engineer is required.

(5) If the scope of the structural work is minor and limited in detail, the Building Commissioner shall have the discretion of modifying any portion of these requirements.

(b) The applicant shall provide such additional descriptive information in drawn or written forms as to the location, use, materials and design of buildings and structures and appurtenances thereof, and interior or exterior fixtures, such as, but is not limited to, electrical fixtures, plumbing fixtures (supply, drain and fixtures), heating and air conditioning appliances, in addition to the return and supply air duct sizes and locations, smoke detection devices, light and ventilation schedules, door and window schedules, truss certificates, manufacturers cut sheets or product specifications and MSDS sheets.

D. UNLAWFUL ISSUANCE OF A BUILDING PERMIT: No building permit shall be issued to a person who has an outstanding expired building permit where the permitted work is incomplete; or who is indebted to the City due to building code violations.

24.04 PROFESSIONAL FEES

Any person, firm or corporation, upon filing plans for a permit with the Building Department, shall bear the cost, including but not limited to the fees charged by an architect, attorney, engineer or other professional assistance when those fees are incurred by the Building Department regarding any plan submitted to it for review and comment. The permit applicant is required to complete the Re-imbursement of Fees Agreement pursuant to Chapter 20, Planning, Zoning and Development Review Fees, of this Code if required by the Building Commissioner.

24.05 PERMIT/SCHEDULE CONSTRUCTION SCHEDULE *Amended, 07-1-10, 05-2-2*

A. BEGINNING CONSTRUCTION: Any person or entity issued a building permit shall commence construction within 90 days of issuance of the building permit. Should construction not be started within 90 days of issuance, the permit shall be deemed null and void.

B. PRELIMINARY EXCAVATION: No excavation or ground stripping will be allowed without the express written permission of the Building Commissioner prior to issuance of a building permit.

C. SPOT SURVEY: Upon completion of the building foundation, a spot survey shall be submitted to the Building Department. The survey shall be certified by a licensed engineer or land surveyor and reflect the actual location and elevation of the structure. Completion of the structure shall continue only after the survey has been approved by the Building Department. If the foundation is found to be in violation of the approved grading plan, the Builder/Owner shall submit a revised grading plan acceptable to the City or remove the foundation. All fees and charges applicable to any proposal for a revised grading plan shall be paid by the Builder/Owner.

D. EXPIRATION OF PERMIT: Building permits shall expire if work is not completed within the following designated periods after a building permit is issued:

1. New residential/commercial/industrial construction: 12 months

2. Remodeling and additions; commercial build-outs: 6 months

3. All others: 3 months

E. EXTENSION OF PERMIT: Prior to the date of expiration, a one time extension, not to exceed the original permit length, with the exception of new construction, for a period of 3 months, shall be granted. After such time, a new permit must be obtained to complete the project. For new construction, the plans require reviewing and payment of applicable permit fees except impact fees as such are defined in the Subdivision Ordinance and the ordinance regarding developmental fees.

F. LAPSE IN CONSTRUCTION: If construction activity is dormant for 6 weeks during the permit period, the site must be closed and protected from risks to the satisfaction of the Building Department, to eliminate any health and safety risks until construction resumes. The City shall have the right but not the obligation to secure the construction site to ensure adequate safety to the general public. All costs of securing said site shall be the responsibility of the permit applicant.

G. FINAL INSPECTION: A final inspection by the Building Department will be required for each permit issued.

H. PERMIT FEE REFUND: If, after the purchase of a permit and before any inspections have been done, the permittee requests a refund of permit fees, $50 shall be retained for administrative and plan review services. When the permit fee is less than $50, or the request is received more than 30 days from the permit issue date, or inspections or other services have been rendered, no refund will be given.

I. CONSTRUCTION/PROJECT SITE REGULATIONS:

1. APPLICABILITY: Persons issued permits pursuant to this Chapter 24 and Chapter 29, McHenry County Stormwater Management Ordinance, of this Code shall abide by construction/project site regulations imposed in this Section 24.05-I, Section 24.12 and any applicable site regulations in Chapter 29.

2. CONDITION OF PERMIT: It is a condition of a permit issued pursuant to this Chapter 24 and Chapter 29, McHenry County Stormwater Management Ordinance, of this Code to maintain construction/project sites in a reasonably safe, clean and orderly condition as outlined in this Section 24.05-I.

3. SITE REGULATIONS: Construction equipment, tools and materials may be placed, parked or stored on private property subject to the following conditions:

   a. A valid permit pursuant to this Chapter 24 or Chapter 29, McHenry County Stormwater Management Ordinance, of this Code exists for construction, building, grading or applicable work;

   b. The equipment, tools and materials at issue are actively in operation and/or have been so utilized in the construction/project site in a continuous manner;

   c. The equipment, tools and materials at issue are stored in an orderly, compact manner or inside storage facilities pursuant to Section 24.05-I3f herein;

d. The equipment, tools and materials at issue are secured;

e. The storage of equipment, tools and materials is to take place at least 300 feet from the nearest dwelling irrespective of the zoning classification of the building site. If the equipment, tools and materials are to be stored less than 300 feet from the nearest dwelling due to site size, conditions and/or configurations, the owner and/or individual or business using said equipment must present a storage plan for approval by the Building Department at the time of permit application. The owner and/or individual or business must comply with the terms of the plan as approved during the term of the permit;

f. For purposes of this Section 24.05-I3, equipment, tools and materials may be stored in approved trailers and/or storage facilities in compliance with ordinance, annexation agreement and/or project requirements;

g. Construction, equipment, tools and materials shall not be placed, parked or stored in a construction/project site for a period of 30 days or more following completion of a project; and

h. For purposes of this Section 24.05-I, equipment, tools and materials shall include, but not be limited to, machinery, trailers, vehicles, hand tools, formworks and any construction materials.

4. VIOLATIONS: It shall be unlawful for a person engaged in work for which a permit has been issued to fail to comply with the regulations of this Section 24.05-I and to cause, maintain or permit the littering of any public or private property with mud, dust, brush, stumps, tree limbs, construction or other type of debris such as building excavation or ground piles; nor shall a person cause damage to any public street, sidewalk, alley, curb, gutter, sewage system or property.

5. ENFORCEMENT: The Building Department is authorized and the permit holder shall allow the inspecting officer to enter the property where the construction equipment, tools and materials are being stored for the purpose of inspection to determine the substance of any potential violation regarding storage of such items and/or condition of the construction/project site. The inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Building Commissioner. If the inspecting officer determines that a violation of this Section 24.05 exists, the City shall serve notice of the violation to the property owner and/or individuals, contractor or other acting for and/or on behalf of the developer and/or owner. Such notice

shall request the removal or abatement of said conditions within a period of 7 calendar days. If the violations and conditions are not cured within the 7 calendar-day period notice, the violation shall be deemed a nuisance.

6. PENALTY: Violation of this Section 24.05 shall result in a fine of $50 per day for each day that the violation continues as well as other remedies found in Section 24.19 of this Code.

7. COST OF ENFORCEMENT: In addition to the penalties imposed pursuant to this Chapter, the cost of abating the conditions by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the condition pursuant to 65 ILCS 5/11-20-13, 5/11-31-1 or other applicable section of the Illinois Municipal Code.

24.06 MUNICIPAL PROPERTY DAMAGE DEPOSITS

A. Before commencing any new residential or commercial construction for which a building permit is required and which is not in an approved project covered by an acceptable letter of credit or performance bond for which a building permit is required or a project that disturbs soil in the public right-of-way, the applicant shall make a cash deposit with the City to cover the cost of repairing any damage which may be done to City property. The deposit shall be in the amount of $1,000.

B. The deposit shall be held by the City, at its discretion, for a period of not more than 2 years. If, after the 2 years, no damage has been incurred to City property, the total amount of the deposit shall be returned to the party making the deposit upon request. Any deposit not claimed within 7 seven years shall be deemed forfeited pursuant to State Statutes.

C. In the event the City property sustains damage, that portion of the deposit necessary to effect repairs shall be retained by the City; the balance shall be returned to the party making the deposit.

D. If the cost of repairs to the City property exceeds the amount of the deposit such additional costs shall be charged to the owner of the property and/or the person issued the building permit and it shall become immediately due and payable upon the owner receiving written notice of the amount of which the cost of repairs exceeds the deposit.

24.07 EXCAVATIONS IN THE RIGHT OF WAY

Wherever any alteration, construction or disruption of soil is done in any public right of way, the following conditions must be met:

1. The applicant shall install, pursuant to Chapter 29, McHenry County Stormwater Management Ordinance, of this Code, soil and erosion control measures prior to the start of construction.

2. All disturbed soils shall be restored by the applicant with sod and/or seed blankets inspected by the Public Works Department and/or Building Department prior to final approval of the project.

3. A cash deposit shall be made to the City to insure restoration of the right of way. If the right of way is not restored to the City's satisfaction the City will use the cash deposit for the restoration. Deposits required are as follows:

   a. Street opening, which is required any time it is necessary to cut into paved surfaces in streets and alleys, $1,500;

   b. Sidewalk, which is required when a sidewalk is removed or torn up, $1,000.

24.08 DRIVEWAYS

A. SPECIFICATIONS: Driveways and driveway approaches across sidewalks shall be constructed of concrete having a minimum thickness of 6 inches and a minimum compressive strength of 2,500 pounds per square inch in 28 days. All new driveway approaches shall have a surface material of either 2-inch thick bituminous concrete Class I, or 6-inch concrete in accordance with the preceding specification. Driveway construction, which shall have a gravel base thickness of not less than 6 inches and surfaced with at least 2 inches of asphaltic or bituminous concrete, shall extend from the garage to the street and shall be at least 12 feet in width.

B. COST: All new driveway approaches, including the culvert, subgrade preparation and surface, shall be at the owner's expense. For any replacement or repair work the City shall, subject to prior approval from the City Council, reimburse the property owner for permanent surface material meeting specifications up to a maximum surface area of 120 square feet per platted lot. Reimbursement will be made on the basis of actual surface measurements and will be reimbursed at the lower of actual invoice cost or the prevailing retail price per ton of bituminous concrete, Class I, F.O.B. point of origin, or concrete per yard, F.O.B. job site.

All labor and materials, including driveway removal, subgrade preparation and surface material installation, shall be at the expense of the property owner.

C. CULVERT: A corrugated metal culvert shall be installed under the driveway, at the owner's expense, where curb, gutter and storm sewers are not provided for the tract. The diameter and length of the culvert shall be approved by the City Engineer or Public Works Director. However, a culvert shall extend not less than 1 foot on each side of the driveway. Flares shall be installed on each side of the culvert. The method of installation and material shall be approved by the Public Works Director. Maintenance responsibility of the culvert and pipe are that of the property owner.

D. MODIFICATIONS: The Public Works Director may, at his/her discretion, grant exceptions or modifications to this Section 24.08 if good engineering principles are followed to

protect the integrity of the right of way and does not change or restrict the normal flow of stormwater.

24.09 GRADING, SEEDING AND DRIVEWAY DEPOSIT

A. Should there be outstanding weather-related items to be completed, prior to final inspection for a Certificate of Use and Occupancy between November 1 and April 30, a cash deposit or letter of credit of $2,000 shall be deposited with the City by the permit applicant. Should the permit applicant have a good standing letter of credit on file, the cash deposit is not required.

B. Grading, seeding and driveway work, guaranteed by a cash deposit or letter of credit, shall be completed by the following June 30.

C. In the event the required grading, seeding and driveway are not completed by the following June 30 the City shall use the cash deposit or proceeds from the letter of credit to have the work completed and/or issue fines and violations pursuant to this Chapter 24. If the work is completed within the required time period the total amount of the cash deposit shall be returned to the party making the cash deposit or the letter of credit released.

D. If conditions preclude grading and seeding between June 30 and October 30 and an occupancy is required in that period, a cash deposit may be made with the City for up to 45 days if approved by both the Building Commissioner and the Administrator.

24.10 REMOTE WATER METER READERS

A. For all new construction, the water meter shall be installed no later than the rough inspection. The permit holder is responsible to ensure the meter is protected from damage during construction. A metered reading of the water will be taken after the final inspection of the project and the permit holder shall be liable for payment of said metered water prior to the issuance of a Certificate of Use and Occupancy. Prior to requesting a Certificate of Use and Occupancy, proof of payment in full for the water must be provided to the Building Department.

B. Additions or remodeling requiring the location or relocation of the customer's water service pipe and/or inside water meter shall require installation of one-half inch, U.L. listed conduit and 22 gauge, 2-conductor solid wire for connection to a remote meter reading device. Installation shall be pursuant to Water Department regulations. If the conduit, outside location or wire do not conform to the specifications in this Section 24.10 a $100 installation fee and a $25 reinspection fee shall be charged for each nonconforming location before sealing the meter and issuance of the Certificate of Use and Occupancy for the premises.

24.11 CERTIFICATE OF USE AND OCCUPANCY

A. No building or structure hereafter erected or altered shall be occupied or used in any way, until a Certificate of Use and Occupancy has been issued by the Building Commissioner. The Certificate of Use and Occupancy shall be issued only after the Building

Commissioner makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this Chapter 24 and other health and building laws and in accordance with the building permit.

B. Prior to the issuance of a Certificate of Use and Occupancy the following conditions must be met:

1. The builder/owner shall certify, by means of a professional engineer's or land surveyor's statement, that the elevations of the completed project are in accordance with the grading plan approved by the City.

2. A cash deposit or letter of credit, if applicable pursuant to Section 24.09 herein, has been deposited with the City.

3. The structure must be completed pursuant to this Code.

4. Temporary use and occupancy permits shall only be issued for a specific time to allow completion of work halted by weather-related conditions specified in Sections 24.08 and 24.09 herein.

5. The issuance of a Certificate of Use and Occupancy shall be subject to Section 6.19 and Section 24.03 of this Code.

24.12 LOCAL RULES *Amended, 05-11-4, 05-8-2*

A. BUILDING SITE RULES:

1. All approved permits issued by the Marengo Building Department must have the permit cards visible and accessible for every inspection to be signed, dated and approved or not approved by each inspector. In addition to the foregoing, each new construction lot must have the address and lot number posted on weather resistant material not to exceed 2 square feet. Such posting shall remain on the lot until a Certificate of Use and Occupancy has been issued. In the case where such permit card is not accessible, the inspection will not be conducted and a reinspection fee will be incurred by the applicant. Reinspection fees are found in Exhibit A of this Chapter 24.

2. In the case of the permit card, the weatherproof bag or clip issued by the Building Department has been lost, stolen, misplaced, or otherwise not in possession of the permit holder, a fee will be charged for the replacement of such materials. Building permit replacement card fees are found in Exhibit A of this Chapter 24.

3. Each lot shall be furnished with a proper container or containers for the deposit of construction debris and refuse and if applicable, for recycling of

discarded construction materials. Such containers shall be secured so as to prevent the blowing or scattering of materials and shall be emptied regularly and not allowed to overflow. No container shall be located on a City right of way. The contractor shall be responsible for litter and debris pickup and containment on the property.

4. Each lot shall be furnished with a proper portable toilet for use by construction workers which shall be regularly maintained by the toilet provider.

5. Prior to beginning work, a temporary gravel drive must be installed from the street into the lot in order to provide access to the lot for inspections. Culverts must be set in place in accordance with Section 24.08 before gravel is installed. The temporary drive shall consist of 6 inches of gravel base that extends at least half of the distance from the street towards the garage portion of the dwelling, or a minimum of 50 feet, and shall have a minimum width of 10 feet.

6. Property identification shall be posted on each lot prior to excavation and remain through final inspection. Materials used for said identification shall not fade and permit the attachment of inspection reports.

7. Working hours for construction relating to any approved building permit shall comply with the provisions of Section 43.08-I of this Code.

8. All permit holders shall keep vegetation in compliance with the provisions of Section12.08 of this Code and any applicable Construction/Project Site Regulations in Section 12.05.

B. STREET SIGNS: Temporary street signs made of weather-resistant materials and lettering identifying the streets in a new subdivision shall be erected before beginning any construction activity on any lot. Said signs shall remain posted and maintained in good repair until permanent street signs are erected as provided for in the Marengo Subdivision Ordinance.

C. USE OF STREETS AND LOTS DURING CONSTRUCTION:

1. It shall be prohibited to occupy any traveled portion of a paved street or right of way with construction materials, construction vehicles or construction material delivery or storage vehicles. Temporary blockage of a street by a construction vehicle shall be limited as governed by City traffic regulations.

2. No construction materials shall be placed so as to render inaccessible or subject to damage any fire hydrant, manhole, b-box, catch basin or similar structure, or so as to obstruct culverts or street gutters to prevent the proper flow of stormwater. Any damage caused by construction and/or

landscaping activity to said structures shall be repaired at the applicant's expense. Said structures are subject to inspection at the time construction and/or landscaping is completed, and a Certificate of Use and Occupancy may be withheld by the City until repairs are properly made.

3. Streets adjacent to building sites shall be regularly cleaned of dirt and mud deposits.

4. The washing out of any waste material from trucks, including but not limited to concrete and dirt, is prohibited in any City right of way or public or private drainage swale, similar stormwater conveyance, or on any other private lot or public property.

5. Driving over swales or ditches to access lots is prohibited. Any damage caused to ditches, shoulders, pavement and related vegetation from construction activity shall be the responsibility of the building permit applicant to repair, and the City may issue a stop-work order in addition to its other remedies in order to achieve compliance with this rule.

6. The City at all times reserves the right to stipulate and direct the manner and street network in which construction traffic may access a building site.

D. OVERHEAD SEWERS: All new buildings and additions with basements, half basements or a room or a floor below the grade of the adjacent street shall have sanitary wastes discharged into a gas tight covered and vented sump from which the waste shall be limited and discharged into a sanitary waste drain by automatic pumping equipment. The building drain shall come through the wall above the floor and have a sealed ejector basin.

E. SEPARATION OF STORMWATER AND WASTEWATER:

1. LEGISLATIVE INTENT: The intent of this Section 24.12-E is to protect the public health and safety by requiring the separation of stormwater flows from sanitary sewer flows, as more specifically provided herein and in this Code. For the purposes of this Section 24.12-E, the term sump pump is used in connection with stormwater, and the term ejector pump is used in connection with wastewater, although it is common parlance to also refer to sump pumps as part of a sanitary sewer system.

2. FOOTING AND FOUNDATION DRAINS, SUMP PUMP(S), DOWNSPOUT(S) EXTENSIONS: Sump pumps and downspout extensions installed to receive and discharge groundwater or stormwater shall be connected to a storm sewer system or discharged to approved drainage ditches or swales. The sump pump/downspout discharge may be fitted with an extension, provided that (a) the outlet of the discharge must not be located nearer than 6 feet to the property line and (b) the flow from the discharge extension must be oriented in the direction of the approved

drainage ditch or swale and not oriented to discharge said groundwater or stormwater directly onto adjacent properties. If an underground storm sewer system is available, such discharge shall be to the system rather than to another option, except that the City may, at its discretion, upon application and review, approve discharges into stormwater detention or retention ponds, lakes, wetlands, streams or other conveying bodies of water, subject to such terms and conditions as it deems appropriate or necessary to protect said conveyances.

3. A grease trap, if required by the Illinois State Plumbing Code, as amended, shall be installed in accordance with Section 25.38, Grease, Oil and Sand Interceptors, of this Code.

24.13 UNLAWFUL CONTINUANCE OF BUILDING ACTIVITY

Any person who shall continue any work in or about the structure after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $150 or more than $500, plus the City's costs of prosecution. Each day that a violation continues shall be deemed a separate offense.

24.14 SWIMMING POOLS

A. OUTDOOR SWIMMING POOL REQUIREMENTS: An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. BARRIER: The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 4 inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

2. NATURAL BARRIER: The barrier requirements are waived for the portion of the pool/spa/hot tub facing the natural barrier. On all other sides of the property, the barrier must extend to the legal, where established, or normal water level.

3. BARRIER OPENINGS: Openings in the barrier shall not allow passage of a 4-inch diameter sphere.

4. SOLID BARRIERS: Solid barriers which do not have openings, such as masonry or stone, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

5. HORIZONTAL, VERTICAL MEMBERS: Where the barrier is composed of horizontal and vertical members, the distance between the top and bottom horizontal members shall not exceed 45 inches. The vertical members' maximum clearance shall not be more than 2 inches between the bottom of the vertical members and top of grade, measured on the side of the barrier that faces away from the pool.

6. Where the barrier is composed of horizontal and vertical members and is 45 inches or more, spacing between vertical members shall not exceed 1¾ inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 : inches in width.

7. Maximum mesh size for chain link fences shall be a 13 inch square; if a larger mesh of fence is provided slats fastened at the top or the bottom that reduce the openings to no more than 1 : inches shall be installed.

8. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1 : " inches.

9. Access gates shall comply with the requirements of this subsection and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool only and shall be self-closing with a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate:

   (a) The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate; and

   (b) The gate and barrier shall have no opening greater than one-half inch within 18 inches of the release mechanism.

10. ABOVEGROUND POOL STRUCTURE USED AS BARRIER: Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

   (a) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

(b) The ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 24.14-A1 through 9 herein. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.

11. Where a moat is used to obtain the 48-inch clearance from ground surface to the top of the pool, it shall also be 48 inches from the outside rim of the moat to the top of the barrier (or rim of the pool).

B. BARRIER LOCATIONS: Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

C. EXEMPTIONS:

1. A spa with a solid lockable safety cover which complies with ASTM ES 13-89 shall be exempt from the provisions of this Section 24.14. Swimming pools with safety covers shall not be exempt.

2. Swimming pools/spas/hot tubs located greater than 500 feet from neighboring residences and that have been in existence prior to the effective date of this amendment (July 8, 1993) shall be exempt from all requirements in Sections 24.14-A and B herein.

D. VARIANCES: It is the intent of this Section 24.14 that all swimming pools, spas and hot tubs have an effective barrier to discourage access of children (less than 5 years of age). However, it is recognized that unique circumstances may exist that would preclude immediate compliance with all parts of Section 24.14 in existence prior to the effective date of this amendment. Variations from the regulations of this Section 24.14 may be granted in each of the following instances:

1. For the swimming pools/spas/hot tubs built prior to the effective date of this amendment and require measurement specifications as set forth in Section 24.14, they may be granted a variance provided that the "as-built" configuration does not deviate by more than 15 percent of the measurement specifications.

2. A variance may be granted by the Building Commissioner or City Council where evidence is presented and demonstrates:

(a) The swimming pool/spa/hot tub has been built prior to the effective date of this amendment.

(b) The swimming pool/spa/hot tub is located 200 feet to 500 feet from a neighboring residence or less than 50 feet from a natural barrier.

(c) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

E. SEPTIC FIELD: In the event the property is serviced by a septic field, in-ground pools must be located at least 50 feet from a septic field. On-site inspection may be required to verify septic system location. Variations may be given to a distance of 25 feet, depending upon the on-site conditions. A request for a variation must follow the procedure established in the Marengo Zoning Code.

24.15 ARCHITECTURAL DESIGN REQUIREMENTS *Ord. 09-4-1*

A. PURPOSE AND INTENT: The following standards are intended to enhance the appearance of buildings and promote a high quality of design in order to protect the public health, safety and welfare. The intent of these standards are to: (i) encourage greater design compatibility with surrounding areas and establish a precedent for high quality design in areas with no established character; (ii) achieve greater architectural variation and interest through standards for the design of roofs, exterior walls and the use of exterior finish materials; (iii) encourage greater architectural cohesiveness and compatibility within new developments of multiple buildings; and (iv) reduce the negative visual impact of features and site improvements such as mechanical equipment. These standards are intended to be applied together with other development standards including, but not limited to, the Marengo Subdivision Ordinance, City building codes and the Marengo Zoning Code.

B. GENERAL APPLICATION:

1. NEW CONSTRUCTION: These standards shall apply to new construction of buildings and structures as specified in the following sections.

2. IMPROVEMENTS TO EXISTING STRUCTURES AND DEVELOPMENT SITES:

a. These standards shall apply to existing buildings only when a proposed building expansion exceeds 25 percent of the existing floor area measured on a cumulative basis starting from the date of adoption of this Section 24.15.

b. It is intended that a building expansion subject to these standards be reasonably integrated with the existing structure or site condition consistent with these standards.

c. These standards shall not be construed to necessitate improvements to existing buildings or site conditions beyond those necessary to integrate the proposed improvements with existing conditions in a manner consistent with these standards.

3. DEVELOPMENT OF PERMIT APPLICATIONS: These standards shall not apply to any complete development, zoning or building permit application submitted or approved prior to the adoption of these standards.

4. EXEMPTION FOR HISTORIC BUILDINGS: These standards shall not apply to historical structures as designated by federal, state or local historic preservation commissions for altered or restored structures. Such alterations shall be subject to review by the Marengo Historical Preservation Commission.

C. COMPLIANCE STANDARDS: Compliance with the standards set forth in this Section 24.15 is mandatory, unless a variance is granted pursuant to Section 17 of the Marengo Zoning Code.

D. APPLICATION AND APPEALS: Persons shall submit an application to the Building Commissioner who shall review said application pursuant to the standards in this Section 24.15. The Building Commissioner will issue a decision either approving the building permit. Any applicant that has submitted an application for a building permit that has been denied due to non-compliance of this Section 24.15 may appeal the decision to the Marengo Planning and Zoning Commission. Such appeal shall be in writing to the Administrator and must accompany a complete formal application for a hearing before the Planning and Zoning Commission with all applicable fees associated therewith. Hearings shall be scheduled for the next regularly scheduled Planning & Zoning Commission meeting on the third Monday of each month, but shall be subject to agenda limitations. In the event of a full agenda, the meeting shall be scheduled for no later than the following meeting. The Planning & Zoning Commission shall reach a decision within thirty (30) days from the date of the hearing.

E. COMMERCIAL (NON-INDUSTRIAL) ARCHITECTURAL STANDARDS:

1. APPLICATION:

a. The following standards shall apply to retail, office, institutional and other commercial buildings located in business zoned or designated areas, including but not limited to the business zoning districts. However, business or commercially designated areas developed pursuant to a planned unit development or special use permit may be subject to deviations from the standards prescribed in this Section 24.15.

b. It is intended that these standards apply to the primary façade of the building and that all sides of building, where visible from public rights-of-ways and private roads or service drives or adjacent residential neighborhoods, shall include design characteristics and materials consistent with those of the primary façade, except as provided in Section 24.15-D2. Also, standards

specified in Section 24.15-F Industrial Architectural Standards, shall be limited to façade and walls as specified in that section.

2. DESIGN COMPATIBILITY:

   a. Building design shall contribute to the special or unique characteristics of an area and/or development through the use of predominant building massing and scale, building materials, architectural elements and color.

   b. Design compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development.

   c. Where there is no established consistent neighborhood character or unifying theme, or where it is not desirable to continue the existing character because it does not reflect a design theme consistent with the architectural standards as described herein and/or as reflected in the Marengo Comprehensive Plan, the proposed development shall be designed to establish an attractive image and set a standard of quality for future developments and buildings within the area.

3. STANDARDS: All buildings shall be designed and maintained using the following building elements with a minimum of 1 item selected from 4 of the 5groups below (Group 4 is mandated to be a part of one of the 4 selections):

   a. Group 1 Exterior Wall Articulation:

      (i) Opening or elements simulating openings that occupy at least 20 percent of the wall surface area (excluding overhead or dock doors); or

      (ii) Building bays created by columns, ribs, pilasters or piers or an equivalent element that divides a wall into smaller proportions or segments with elements being at least 1 foot in width, a minimum depth of inches, and be spaced at intervals no more than 25 percent of the exterior building walls. For buildings exceeding 20,000 square feet in gross floor area, such elements shall be at least 18 inches in width, with a minimum depth of 12 inches, and spaced at intervals of no more than 20 percent of the exterior building walls; or

(iii) A recognizable base treatment of the wall consisting of thicker walls, ledges or sills using integrally textured and colored material such as stone, masonry or decorative concrete; or

(iv) Some other architectural feature that breaks up the exterior horizontal and vertical mass of the wall in a manner equivalent to (i), (ii) or (iii) above..

b. Group 2 Roof Articulation:

(i) Changes in roof lines, including the use of stepped cornice parapets, a combination of flat and sloped roofs or pitched roofs with at least 2 roof line elevation changes; or

(ii) Some other architectural feature or treatment which breaks up the exterior horizontal and vertical mass of the roof in a manner equivalent to (i) above.

c. Group 3 Building Openings, Walkways and Entrances:

(i) Canopies or awnings accenting or blending with the architectural design over at least 30 percent of the openings of the building; or

(ii) Covered walkways, porticos and/or arcades accenting, blending or incorporated into the structural design and compatible with the architectural design, covering at least 30 percent of the horizontal length of the front façade; or

(iii) Raised cornice parapets over entries appropriate to the design of the principal building; or

(iv) Some other architectural feature or treatment which adds definition to the building openings, walkways or entrances in a manner equivalent to (i), (ii) or (iii) above.

d. Group 4 Building Materials: (The area of windows and doors, including overhead doors, shall be excluded from the wall area calculation for the following standards.)

(i) At least 2 kinds of materials distinctively different in texture or masonry pattern, at least one of which is decorative block, clay brick or stone, with each of the

required materials covering at least 50 percent of the exterior wall of the building; or

(ii) Clay brick or stone (including synthetic stone) covering at least 75 percent of the exterior walls of the building.

(iii) Remaining exterior building materials include, but are not limited to, materials such as concrete masonry units (block), glass block, fiber cement siding, glass, culture stone, calcium silicate products, decorative precast panels and tilt-up panel construction.

(iv) Exterior Insulation Finishing Systems (EIFS)/Dryvit (synthetic stucco) is permitted as a building material for architectural detailing only or as an accent material only and cannot exceed 15 percent (less window and door area) of the aggregate exterior wall.

(v) Metal siding may be used as an exterior finish material as long as the amount used does not exceed 25 percent of the area of any single wall, exclusive of the roof, and provided it matches or compliments the building color and/or material scheme. Further, such metal siding shall be a "standing seam" type or equivalent quality, not a "corrugated" type. Architectural metals, such as bronze, brass, copper and wrought iron, may be used and may exceed the 25 percent area limit.

e. Group 5 Other Architectural Definition:

(i) Overhanging eaves extending at least 24 inches past the supporting walls, or with flat roofs, cornice parapets or capstone finish; or

(ii) Ornamental lighting fixtures (excluding neon) for all exterior building lighting; or

(iii) A feature that adds architectural definition to the building, in a manner equivalent to (i) or (ii) above.

4. ARTICULATION OF WALLS; STANDARDS: Facades and any wall of the building facing any road or public or private service drive, greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 percent of the length of the façade and extending at least 20 percent of the length of the façade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

5. DELIVERY/LOADING DOORS AND DOCKS: No delivery, loading, dock or trash removal door shall be located on the main street facing façade of the building. Any such door or facility located on the side or rear wall of the building shall be screened in accordance with Chapter 21, Landscaping Code, of this Code and this Chapter 24, as amended. For sites that have road frontage on multiple sides, these facilities shall be located in the least obtrusive manner, preferably on a non-road facing side of the building, or the road frontage that has the least public visibility.

6. ROOFTOP MECHANICAL UNITS AND OTHER RELATED EQUIPMENT: Rooftop mechanical and other related equipment shall be substantially screened from view from public rights of way and other public places. Screening materials shall be of the same or comparable materials used on the building. Roof-mounted equipment screening shall be constructed as an encompassing monolithic unit; rather than several individual screens (i.e., multiple equipment screens or "hats," surrounding individual elements shall not be permitted). The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment.

7. CART STORAGE AND VENDING MACHINES: Overnight cart storage areas, vending machines and video and book return containers shall be placed in an accessory structure designed to compliment the principal building, or screened with walls and landscaping.

8. MULTIPLE BUILDING DEVELOPMENTS: Development with multiple buildings shall include predominant character in each building so the buildings within the development appear to be part of a cohesive, planned area, yet are not monotonous in design. Predominant characteristics may include the use of the same or similar architectural style, materials and color.

9. BUILDING ENTRANCES: Primary public entrances shall be clearly defined by recesses and projected or framed by elements such as awnings, arcades, porticos or other architectural features.

10. BUILDING COLORS: Colors may be used to blend buildings into an area and to unify elements of a development. Color should be drawn from the surrounding area and, if in a new development area, shall be selected to establish an attractive image and set a standard of quality for future developments and buildings within the area. Monotonous or monochromatic color palettes are prohibited. Accent colors used to call attention to a particular feature of portion of a building, or to form a particular pattern, shall be compatible with the predominant building base colors and may be incorporated using such elements as shutters, window

mullions, building trim and awnings. (Accent colors shall cover no more than 5 percent of a building façade).

11. FRANCHISE ARCHITECTURE: Prototypical or franchise architectural designs must be modified to meet these architectural standards. Changes to prototypical franchise styles to meet these standards may include, but not be limited to, modifications to roofs, windows, doors, building mass, materials, material colors, placement of architectural features and details, etc. Care should be taken to ensure that such modifications comply with Section 24.15-E2, Design Compatibility. Franchise architectural styles found to meet these standards will not require any modification.

12. ILLUMINATION: Illumination highlighting the entire façade of a building, or significant portion of the building, or back lighted translucent awnings intended to function as signage, shall not be permitted as part of the building design. This standard is not intended to preclude the use of lighting (including neon lighting) to accent limited portions of the building facade.

F. INDUSTRIAL ARCHITECTURAL STANDARDS/PUD:

1. PURPOSE AND INTENT: These standards are intended to apply to industrial buildings on sites adjacent to major roads (as defined in Section 24.15-F2) because of the visibility of such development and its impact on the image and character of the community. Industrial development that is not adjacent to a collector or local roads is not subject to these standards.

2. APPLICATION: Standards within this Section 24.15-F apply to industrial buildings located in the M Manufacturing District and areas within a planned development that are located on sites adjacent to a major or minor arterial road, as defined by the City Engineer or a state or federal highway.

   a. Sites adjacent to public or private service roads, where there is no developed or developable private land between the service road and the arterial road, shall be considered adjacent to such arterial roads or highways and shall be subject to these standards. This shall include sites on service roads separated from the arterial or highway road by public or private commuter facilities or any other public facilities within the rights of way.

   b. However, industrial designated areas developed pursuant to a planned unit development or special use permit may be subject to deviations from the standards prescribed in this Section 24.15.

   c. Section 24.15-A shall also apply to the standards of this Section 24.15-F.

3. ARTERIAL/HIGHWAY SITES:

a. For any building abutting a major or minor arterial road or highway, metal shall not comprise more than 25 percent of the exterior building finish material on walls (roof excluded) facing such a road. Where walls on sites with frontage on such roads do not face such roads, but are visible from such roads, such as side walls, these requirements shall extend to one-third of the depth of the wall measured from the wall facing such road.

b. Metal siding includes any forms of metal exterior finish material, including corrugated or standing seam metal siding. The Building Commissioner may permit such metals such as bronze, brass, copper and wrought iron, in excess of the 25 percent limitation if a determination is made that such materials are equal or superior to the primary building materials.

G. RESIDENTIAL ARCHITECTURAL STANDARDS:

1. INTENT AND PROCEDURE: These standards are intended to apply to all attached or detached residential buildings containing 1 or more dwelling units. Design reviews shall be conducted by the Building Commissioner or the designated plan reviewer for the City.

2. ARTICULATION OF WALLS: All building elevations shall have projections, recessed walls or a window per level.

3. ROOF: Roofs should not be the dominating element of the structure. There shall be a minimum of 2 ridges within the roof design. Architectural style shingles or materials of higher quality shall be used as a roofing material. Roof overhangs (eaves) shall project a minimum 6 inches beyond the face of the wall.

4. CHIMNEYS: All chimneys constructed on any residential dwelling unit shall have exterior finishes consisting exclusively of clay brick or stone from the grade level to the caps thereof.

H. RESIDENTIAL DESIGN MONOTONY:

1. SIMILAR DESIGN RESTRICTED: No dwellings of similar front elevation or façade shall be constructed or located within 750 feet of the other in a residential zoning district;

2. CRITERIA ESTABLISHED: The determination of whether a building is of sufficient dissimilar design shall be made by incorporating a minimum of 3 of the following criteria:

a. Number of stories;
b. Roof design;
c. Size and location of garage;
d. Location of porches;
e. Exterior finish consisting of clay fired brick or stone covering 25 percent of the aggregate total area of the exterior walls, exclusive of doors, windows and trim;
f. Exterior building material color;
g. Architectural style; and
h. Special architectural details (i.e., dormers, cupolas)

24. 16 ELEVATOR/CONVEYANCE INSPECTIONS

Owners of all buildings having any elevators and/or conveyances shall be required to provide access to the Building Commissioner or his designee for purposes of inspecting said elevator and/or conveyance. The City shall give notice of the inspection not less than 48 hours before the inspection. In the event access is denied the Building Commissioner is authorized to revoke the Certificate of Use and Occupancy for the building housing the elevator/conveyance. In the event the inspection reveals any material malfunction or deficiency in the operation of the elevator/conveyance, the owner shall immediately correct or repair it and restore it to a safe operating condition before it is placed in service.

24.17 PERMIT AND REINSPECTION, ADDED, PARTIAL INSPECTION AND REPLACEMENT FEES *Amended, 17-8-1, 05-8-2, 05-2-2*

A. PERMIT FEES: The total permit fee shall be payable in full prior to the issuance of the permit or service to be performed. Permit fees are found in Exhibit A of this Chapter 24.

The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by the building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water connections, sewer connections, erection of signs and display structures and marquees or other appurtenant structures, both within and outside the jurisdiction of the Building Department.

B. REINSPECTION FEES: Re-inspection fees shall be charged under the following circumstances:

1. When the permit holder has scheduled an inspection with the City and the work to be inspected has not been completed at the scheduled inspection time.

2. The permit holder has failed to correct items listed on previous inspection reports.

3. City inspectors are denied access to conduct the inspection.

4. City inspectors are prevented from conducting the scheduled inspection.

5. Permit card is not accessible to inspectors for signing.

All re-inspection fees shall be paid prior to the final inspection or issuance of a Certificate of Use and Occupancy or issuance of a Certificate of Completion. Re-inspection fees are found in Exhibit A of this Chapter 24.

C. ADDED/PARTIAL INSPECTION FEES: Added and partial inspections that are requested by the permit holder that are not covered under the allotted number of inspections within the original permit cost shall be charged a fee for each requested plumbing, electrical and structural inspection. The cumulative amount of all partial inspection fees for each permit shall be paid prior to a final inspection or the issuance of a Certificate of Use and Occupancy or Certificate of Completion. Added and partial inspection fees are found in Exhibit A of this Chapter 24.

D. REPLACEMENT FEES: A replacement fee shall be charged if the permit card, weatherproof bag or clip issued by the Building Department has been lost, stolen, misplaced or otherwise not in possession of the permit holder for the replacement of such materials. Replacement fees are found in Exhibit A of this Chapter 24.

24.18 PERMIT APPLICATION APPEALS

Any applicant that has submitted an application for a building permit that has been denied may appeal the decision to the Marengo Planning and Zoning Commission. Such appeal shall be in writing to the Administrator and must accompany a complete formal application for a hearing before the Planning and Zoning Commission with all applicable fees associated therewith. Hearings shall be scheduled for the next regularly scheduled Planning & Zoning Commission meeting on the third Monday of each month, but shall be subject to agenda limitations. In the event of a full agenda, the meeting shall be scheduled for no later than the following meeting. The Planning & Zoning Commission shall reach a decision within thirty (30) days from the date of the hearing.

24.19 VIOLATION, PENALTIES

A. Any construction that is started prior to the issuance of a building permit shall result in a double permit fee. In addition, a Stop Work order will be issued by the City and will not be removed until the required building permit has been issued.

B. Any person who violates any provision of this Chapter 24 or the Building Code or shall fail to comply with any of the requirements thereof or who shall excavate for, erect,

construct, alter, repair or remodel a building or structure in violation of an approved plan or directive of the Building Commissioner, for of a permit or certificate issued under the provision the Building Code, shall be guilty of a misdemeanor, punishable by a fine of not less that $150 nor more than $500, plus the City=s cost of prosecution. Each day that a violation continues hall be deemed a separate offense.

C. Section R-106, *Violations and Penalties of the International Residential Code*, is amended to read as follows:

"Section R-106. It shall be unlawful for any person, firm or corporation whether as an owner, lessee, sublease or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one or two-family dwelling in the City=s jurisdiction or cause or permit the same to be done, contrary to or in violation of any of the provision of this Chapter 24.

"It is hereby declared that any violations of this Chapter 24 constitute a public nuisance and in addition to any other remedies provided by this Code for its enforcement, the City may bring civil suit to enjoin the violation of any provision of this Code.

"If for any reason one or more sections, sentence, clause or parts of this Code are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions.

"Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provision of this Code is committed, continued or permitted and upon conviction of such a violation, such person shall be punishable by a fine of not less than $100 nor more than $500 or by imprisonment, or by both such fine and imprisonment as established by local applicable laws."

24.20 RIGHTS CONTINUED

Nothing in this Chapter 24 or in the Building Code hereby adopted, shall be constructed to affect any suit or proceeding impending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance is hereby repealed as cited in this Chapter 24; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Chapter 24.

Exhibit A
Fee Schedule
Amended, 17-8-1, 08-5-3, 06-6-4, 06-5-3, 05-8-2

		FEE
RESIDENTIAL (ER, R-1, R2, R3)	Basic fee	$1750
	Heating	$80 each
	Air conditioning	$80 each
	Electric	$175 each
	Plumbing	$200 each
	Potable water inspection	$50 each
	Sanitary sewer inspection	$50 each
	Construction water for buildings 5,000 square feet and under	$50
	Construction water for buildings 5001 square feet and greater	$75
	Plan review	$.15 per square foot
	Certificate of Occupancy	$50 each single family dwelling
		$30 each attached single family dwelling
WATER AND SEWER Capital Development Fees For ER, R1, R2, R3 Backflow preventers are required and must be included in plans submitted for review. Water and sewer connection fees are subject to Section 25.48, CPI Adjustment.	Water connection (3/4 - 1 inch tap)	
	Attached and detached per unit	$2469.93 per unit
	Duplex	$2872.12 + $455.85 per unit
	More than two attached units	$3008.90 + $455.85 per unit
	Water meter	225% of the direct charge to the City
	Sewer connection:	
	Single family (attached and detached) per unit	$2734.35 per unit
	If served by a lift station, add	$607.84 per unit
WATER AND SEWER Capital Development Fees For R 5 Water and sewer connection fees are subject to Section 25.48, CPI Adjustment. (Backflow preventers are required and MUST be included in plans submitted for review.)	Basic fee	$1950
	Heating	$50 per unit
	Air conditioning	$50 per unit
	Electric	$175 per unit
	Plumbing	$200 per unit
	Potable water inspection	$50 per unit
	Sanitary sewer inspection	$50 per unit
	Construction water, building up to 5,000 square feet	$50
	Construction water, building over 5,000 square feet	$75
	Plan review fee	$.25 per square foot
	Certificate of Occupancy	$30 per unit
	Water connection (3/4 - 1 inch):	
	Apartments up to two units	$2872.12
	Apartments over two units	$3008.90 + $455.85 per unit
	Water meter	225% of the direct charge to City
	Sewer connection:	
	One bedroom apartment	$1908.92
	2 or 3 bedroom apartment	$2452.39 per unit
	If served by a lift station, add	$607.84 per unit
FLAT FEE PROJECTS	These fees are based on a set number of inspections required per project	

		FEE
	Fence	$60
	Deck/ramp	$100
	Shed	$60
	Electrical, fireplace, plumbing, HVAC upgrade	$80 Residential $100 Commercial
	Pool, hot tub, spa	$80 No Electric $160 With Electric
	Garage	
	Without electric	$175
	With electric	$225
	Signs	
	Without electric	$100
	With electric	$175
	Demolition of structure	$75
	Miscellaneous: porches, roof, siding, windows, doors, furnaces, hot water heaters, water softeners, etc.	$60
FEES FOR PROJECTS BASED ON SQUARE FOOTAGE For All Residential Zoning Districts	Permit fees shall vary in cost due to the addition of the following charges, if they apply for:	$.25 per square foot Minimum $25 for permit fee
	Plan review	$.15 per square foot
	Electric	$125
	Plumbing	$125
	Heating or air conditioning	$50 for each
DRIVEWAYS and OFF STREET PARKING / LOTS	Complete driveway	$75
	Driveway extension/parking pad	$35
	Parking lots:	
	1 – 1000 square feet	$125
	1001 – 7500 square feet	$175
	7501 – 20,000 square feet	$225
	20,001 square feet and greater	$275
STREET CUT, SIDEWALK CUT DEPOSIT Pursuant to Section 24.23 Excavation in the Right-of-Way. (A deposit shall be made to the City to insure restoration of the right-of-way.)	All areas of disturbed ground must be restored and approved prior to release of deposit.	
	Sidewalk cut	$1000
	Street cut	$1500
PD PLANNED DEVELOPMENT ZONING DISTRICT	This district may be either residential or commercial.	Fees shall be determined based on the zoning district of the property.
NEW CONSTRUCTION, ALTERATIONS, ADDITIONS, REMODELED STRUCTURES **B1, B2 and M Zoning Districts**	Structures up to 20,000 square feet	$.50 per square foot
	Structures 20,001 to 50,000 square feet	$9000
	Structures over 50,001 square feet	$12500 plus $.35 per square foot over 50,000 square feet thereafter
	HVAC	$250
	Electric	$500
	Plumbing	$300
	Potable Water inspection	$50

		FEE
	Sanitary sewer inspection	$50
	Construction water for buildings under 5,000 square feet	$50
	Construction water for buildings 5001 square feet and greater	$75
	Plan review fee	$.15 per square foot
	Certificate of Occupancy	$100.00 per building/unit
WATER AND SEWER FUND Capital Development Fees Commercial/industrial backflow preventers and reduced pressure zone valves (RPZ) MUST be included in plans submitted.	Water connection:	
	Less than 1 inch	$2507.42
	Less than 1½ inches	$3305.24
	Less than 2 inches	$5242.82
	2 inches	$7636.30
	Water meter (larger than 2" and compound meters must be quoted as they are special order)	225% of direct charge to City
	Any connection larger than a 2-inch meter, the fee shall be based on:	$1291.70 plus a unit charge of $2.36 per gallon for all gallons over 350 gallons per day
	Sewer connection:	
	Less than 1 inch	$2735.37
	Less than 1½ inches	$3685.17
	Less than 2 inches	$6040.64
	2 inch	$8890.02
	Any connection larger than a 2-inch meter, the fee shall be based on:	$1291.70 plus a unit charge of $3.63 per gallon per day for all gallons over 350 gallons.
	All sizes greater than 2-inch must be quoted for water and sewer connections	
PRIVATE FIRE PREVENTION WATER LINE USERS	Any private fire prevention water line users will be charged a one time hook-up fee based on the diameter of the water supply line. Formula: supply divided by 2, multiplied by $1000.	
	2 inch	$1000
	4 inch	$2000
	6 inch	$3000
	8 inch	$4000
RE-INSPECTION FEES	Fees are based on the following • *Not correcting failed items listed on inspection report* • *No one home or at job site* • *Repeatedly failing the same items.* *Permit card not accessible to inspectors for signing.* For all partial inspections (prior to scheduling the final inspection for occupancy, the number of partial inspections shall be totaled and permit applicant shall remit to Building Department such amount)	$75 per re-inspection
ADDED / PARTIAL INSPECTIONS	For all partial inspections (prior to scheduling the final inspections for occupancy, the number of partial inspections shall be totaled and the permit applicant shall remit to the Building Department such amount).	

		FEE
	HVAC and structural	$50 per partial or added inspection
	Commercial added inspections for:	
	Electric	$160
	Plumbing	$100
COMMENCING CONSTRUCTION WITHOUT FIRST OBTAINING A BUILDING PERMIT	The cost of the permit shall be calculated per project	Permit cost plus 200%
PERMIT EXPIRATION Prior to the date of expiration a one-time extension (not to exceed the original permit length, with the exception of new construction, which shall be extended for a period of 3 months only) shall be granted; after such time a new permit must be obtained to complete the project.		Permit cost per type of project.
	Single, multiple family	12 months
	Commercial/industrial	12 months
	Additions, remodeling, commercial build-outs	6 months
	Garages	3 months
	All other projects	2 months
Watershed Development Permit Fee	Pursuant to Section 29.03 of this Code.	
Site Development Permit Fees	0-20 acres	$1200
	20 plus acres	$2000