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AN ORDINANCE AMENDING THE VILLAGE CODE TO ADOPT THE 2015 INTERNATIONAL BUILDING CODE WITH AMENDMENTS, TO ADOPT THE 2015 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE ORLAND PARK BUILDING CODE AND TO TITLE 5, CHAPTER 1 OF THE VILLAGE CODE OF THE VILLAGE OF ORLAND PARK

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WHEREAS, the Corporate Authorities desire to amend certain other portions of Title 5, Chapter 1 of the Orland Park Village Code (the Orland Park Building Code), to clarify their meanings or to cross-reference them to other Village regulations; and

WHEREAS, the Village of Orland Park is authorized by law to adopt codes by reference pursuant to Illinois Municipal Code, 65 ILCS 5/1-3-2; and

WHEREAS, the Village has previously adopted the 2012 International Building Code, with amendments; and

WHEREAS, the Village deems it appropriate to have its standards reflect the most current codes whenever possible; and

WHEREAS, the Corporate Authorities of the Village deem it in the best interests of the Village to adopt the 2015 International Building Code with certain deletions and amendments; and

WHEREAS, the Corporate Authorities of the Village also deem it in the best interest of the Village and its residents to adopt the 2015 International Residential Code with certain deletions and amendments; and

WHEREAS, the Illinois Building Commission has been notified of Orland Park's intention to adopt a new building code with amendments and new residential code with amendments as required by act of the 92nd General Assembly; and

WHEREAS, a copy of the 2015 International Building Code and the 2015 International Residential Code has been on file with the Office of the Clerk of the Village of Orland Park for thirty (30) days and has, during that time, been available for public use, inspection, and examination.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

Section 5-1-2 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 5-1-2 and to substitute the following as new text for Section 5-1-2:

5-1-2: SCOPE OF REGULATIONS:

No building or structure or any part thereof or any appurtenance thereto shall hereafter be constructed, erected, altered, installed, added to, enlarged, repaired, converted, removed, demolished or maintained, nor shall the use, location or occupancy thereof be changed except in conformity with the provisions of this Code, and no work for which a building permit is required under the terms of this Chapter or any work with respect to excavation or grading in preparation therefore, shall be commenced until the permit has been issued as herein provided. Subdivision site grading may be permitted prior to issuance of building permits only as approved by Village staff engineers and after an accepted soil erosion plan is installed.

SECTION 2

Section 5-1-4 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 5-1-4 and to substitute the following as new text for Section 5-1-4:

5-1-4: CERTIFICATE OF OCCUPANCY:

No building or structure or any part thereof shall be used or occupied until a Certificate of Occupancy or Conditional Certificate of Occupancy has been issued by the building code official. No permit holder shall allow any person or entity to use or occupy a building or structure or any part thereof which is the subject of his or its building permit until a Certificate of Occupancy or Conditional Certificate of Occupancy has been issued by the building code official. (Ord. 4614, 1-17-11; Amd. Ord. 4786, 2-4-13)

The code official shall issue such certificate only if, after inspection, he finds that such building or structure complies with the provisions of this title and all other laws of the Village of Orland Park and the State of Illinois, and that said building or structure has been completed in accordance with the approved plans and documents filed in support of the Application for Building Permit relating to said building or structure. Such certificate shall show the permitted use for the building or structure. A conditional certificate may be issued for the temporary use of a building or structure or portion thereof under the conditions set forth above, or the conditions set forth in Section 5-1-13, Paragraph 111.2 of this Code. (Ord. 3449, 12-04-00; Amd. Ord. 4614, 1-17-11)

See Village Code 5-2-14 for work without permit violations.

See Village Code 5-1-13 Section 114.4 for Violations of this adopted Code.

SECTION 3

Section 5-1-5 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 5-1-5 and to substitute the following as new text for Section 5-1-5:

5-1-5: INSPECTION; RIGHT OF ENTRY:

A. Enforcement: The building code official shall inspect all buildings or structures during construction or alteration to see that the provisions of law are complied with and that construction is prosecuted safely. He shall cause all violations or suspected violations to be brought to the attention of all appropriate municipal authorities and shall enforce the provisions of this Chapter, and for that purpose he and his assistants shall have the right to enter any building, structure or premises at any reasonable time.

B. Records Open to the Public: The building code official shall keep, or cause to be kept, a record of his acts and doings, which records shall be open to public inspection.

C. Inspection Approvals: No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building code official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction. There shall be a final inspection and approval by the building code official, on all buildings when completed and ready for occupancy.

D. Posting of Permit: Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the front of the premises and in such position as to allow the building code official to make the required entries thereon regarding inspection of the work. This inspection card shall be maintained in such position by the permit holder until the certificate of occupancy has been issued.

E. Re-Inspection Fees: In the event the permittee, contractor or a subcontractor shall request an inspection and it is found by the building code official that the construction, erection or installation does not meet the requirements of this Chapter, or other applicable ordinances of the Village, and that an additional inspection or inspections shall be necessary, before any additional inspection shall be made, the permittee, contractor or subcontractor shall pay to the Development Services Department the fee for each such additional inspection. See Village Code, Title 5 Chapter 2- Section 7-5.

F. Stop Work Orders: In the event any construction, erection, alteration, installation, addition to, enlargement, conversion of or repair of any building or any part thereof or appurtenance thereto shall be done in violation of the provisions of this Chapter, or is being done or has been done without permit or permits required therefore by any of the provisions of this Chapter or any other provisions of this Village Code, or is being done or has been done contrary to the drawings or plans as approved by the Development Services Department, the building code official is hereby empowered and required forthwith to issue a stop order directing such construction, erection, alteration, installation, addition to, enlargement, conversion of or repair of any building or structure or any part thereof or appurtenance thereto, to cease immediately. If after a stop order has been issued, there is any reason to believe that further work is being done or has been done, the building code official may, among other remedies provided by law, petition the Circuit Court of Cook County, Illinois, for an injunction as provided by law against the continuing of such work. (See 5-1-15 of this code for Violations and Stop Work Order. (Ord. 4614, 1-17-11; Amd. Ord. 4614, 1-17-11; Amd. Ord. 4786, 2-4-13).

SECTION 4

Section 5-1-6 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 5-1-6 and to substitute the following as new text for Section 5-1-6:

5-1-6: LICENSING AND BONDING OF CONTRACTORS:

A. SCOPE OF CONTRACTOR'S LICENSE: All contractors performing construction within the Village shall comply with the provisions of the Village Codes and Ordinances for minimum building standards regulated within the corporate limits of the Village. The intent of contractor licensing is to require surety bonds executed by a company authorized to transact business in the State of Illinois using the following details:

1. All general and sub-contractors licensed under this Ordinance shall be responsible for any and all employees working for them under the license.
2. All general contractors shall hire only sub-contractors who are licensed as specified under this Ordinance.
 - a. A general contractor surety bond shall cover the work performed for each building permit applied for.
3. All general contractors and subcontractor shall submit to the Village a surety bond as described in this ordinance.
4. Village licensing may not be required when contractors are licensed through the State of Illinois and only when/if specified by Illinois Compiled Statutes (ILCS).
ILCS Examples:
 - a. Plumbing Contractors per IDPH (225 ILCS 320/) Illinois Plumbing License Law.
 - b. Fire Alarm Contractors (225 ILCS 447/) Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.
 - c. ILCS Roofing act allows Orland Park to license and bond contractors separately. Roofing Contractors per (225 ILCS 335/) Illinois Roofing Industry Licensing Act.
5. Licensed contractors are to complete all work in compliance with the Village Codes.
6. Inspection requests must be submitted to the Village to verify compliance approval with Village Codes. Construction is to remain exposed for inspection(s) until approval(s) are issued by Village inspectors. Construction concealed without Village approval(s) allows for collection of bonds for code conformance.
7. A \$100.00 fee is to be charged to the owner and/or contractor for Village Code enforcement proceedings due to each nonconformity or inaction.

B. LICENSE REQUIRED: No person shall act or perform any services as a contractor or sub-contractor within without first having issued a license by the Village Development Services Department, as herein provided.

1. Application Required:

All applications for a Village contractor's license shall be made in writing upon forms furnished by the Village. See Village Website; <http://www.orland-park.il.us/>

2. Each application shall state:

- (1) The name and business address of the applicant.
- (2) Whether it is a general contractor or sub-contractor's registration application. If it is a general contractor with tradesmen, a list of trades and tradesmen performing each trade will be required at the time of registration. A sub-contractor will be required to list the trade or trades involved.
- (3) A statement that the applicant is familiar with all pertinent Village ordinances, codes and regulations and agrees to fully comply with the same.

C. BONDS: Each applicant for a license, as required in this ordinance, shall, before receiving such a license, deposit with the Village, a Surety Bond issued by a company approved and authorized to issue bonds by the State of Illinois, bound to the Village in the penal sum of twenty thousand dollars (\$20,000.00). Said bond shall be conditioned on the faithful compliance with the applicant's duties and compliance with the Village's code and ordinances, as applicable. The surety bond shall apply to the work being performed by the contractor.

1. Bond funds may be used to bring work not complying with the Village's codes and ordinances into compliance. Funds may be paid directly to the property owner or person contracting with the contractor, or paid to the Village to be used to bring the non-compliant work into compliance.
2. Should the Village be required to expend its funds in enforcing its ordinances pertaining to a license or permit against any contractor or subcontractor whose compliance bond it holds, the Village shall seek reimbursement against the bond for its costs of enforcement.
3. Should the Village be required to expend its funds to repair damages caused by noncompliance with its ordinances pertaining to a license or permit by any contractor or subcontractor whose compliance bond it holds, the Village shall seek reimbursement against the bond for expenses incurred by the Village.
4. Reinstatement and Revocation: See Item I. of this ordinance
5. Surety bonds shall be maintained in the full amount required by this Section during the course of the work for which a permit or license is issued. If the bond or a portion of it is used to reimburse the Village for costs of enforcement or compliance, the contractor or subcontractor must replenish the bond in the full amount and maintain such bond for the duration of the work under the permit or license.
6. No bond shall be terminated without written notice to the Village thirty (30) days before the termination date (Ord. 2159, 10-21-91). If work has not been completed, construction shall not be allowed to continue without an active surety bond as described in this ordinance (5-1-6).
7. No contractor shall perform construction work which is not covered under the surety bond.

D. DEFINITIONS: As used in this Ordinance:

“Contractor” means any person, partnership, corporation or other business entity engaged in the business of constructing, altering, or repairing buildings or other structures or lots and all trades and crafts associated with such work, including, but not restricted to, general building contractors, excavating contractors, carpentry contractors, heating, air conditioning, ventilating, mechanical, electrical and plumbing contractors and “subcontractor” as defined below.

(1) Any person whose construction, repair or alteration of any building or structure within the corporate limits of Orland Park, Illinois, for which a building permit is required, is presumed to be a contractor and must be licensed and insured hereunder unless not required by other Village, county or State laws.

(2) Any person, partnership, corporation or other business entity who engages in any construction work, shall not be considered a contractor for purposes of this Ordinance where such work is performed for no compensation.

(3) Any land owner who employs workers paid an hourly rate is not considered a contractor. Employees of this type must be licensed or registered by the State of Illinois as determined by the work performed. A landowner under this subsection must not employ more than five employees and must not engage in more than three trades.

“General Contractor with Trades” shall mean a contractor who uses one or more tradesmen or sub-contractors to perform the required construction to complete any project for which a building permit is required. When a general contractor employs a full-time tradesman or tradesmen who perform a variety of miscellaneous tasks (i.e., carpentry, siding, excavating or concrete, etc.) the registration fee shall be three hundred dollars (\$300.00). A list of tasks and tradesmen performing the tasks will be required from the General Contractor or property owner at the time prior to permit issuance. All work performed by a general contractor’s employees shall be liable through their surety bond.

“General Contractor/Construction Manager” shall mean not employing full-time tradesmen and using sub-contractors to complete construction. A General Contractor/Construction Manager shall pay a fee of three hundred dollars (\$300.00) and all sub-contractors working on that project shall be required to register and pay the sub-contractors fee of seventy five dollars (75.00).

A contractor with no employees is considered a General Contractor or Project Manager.

“Subcontractor” means a contractor who performs only the type of work that is classified as a specific trade including, but not limited to:

Brick mason

Building demolition

Building relocators (movers)

Cell Tower Erector

Cement or Concrete

Carpentry

Concrete Damp Proofing

Demolition

Electrical (includes low voltage)

Elevator/Lift Installers Excavating

Energy conservation and insulation trades

Erosion Control

Excavating

Fire protection equipment installation as required by the State of Illinois

Fence

Flooring and tile

General contractor

Glazing

Iron workers - see Structural (Ord. 4614, 1-17-11)

Heating, ventilation and air conditioning See Mechanical.

Landscaping

Lawn sprinkler

Mechanical trades, includes range hoods and prefabricated fireplaces.

Miscellaneous - including but not limited to:

cable, overhead door installation, elevator, equipment installation, escalator, foundation repair, general maintenance, metal fabricating, mud jacking (cement raising), satellite dish installation, underground pump and tank work, well drilling or other construction contracting.

Paving

Plumbing

Painting and decorating

Roofing

Scavenger

Sewer and water, drain layer

Sheet metal

Siding

Sign installation

Structural iron, wood and cement

Swimming pool installation

Tuck pointing and cleaning

Waterproofing

Wrecking (Amd. Ord. 4786, 2-4-13)

“Surety bond:” A surety bond is a three-party agreement that legally binds together a principal who needs the bond, an obligee who requires the bond (Village of Orland Park) and a surety company that sells the bond. The bond guarantees the principal will act in accordance with adopted code/laws. If the principal fails to perform with the minimum required codes, the bond will cover resulting damages or losses.

E. LICENSE FEES: All licenses shall be valid for one calendar year from January 1 to December 31.

The fees for the contractor license are as follows:

License fee

General contractor \$300.00 -

Sub-contractor’s License fee per specialty: \$75.00 -

F. SURETY BOND CERTIFICATE: A surety bond certificate shall provide that the bond is not cancellable during the policy period without ten (10) days prior written notice to the Village Development Services Department. If the insurance is cancelled during the period of license, the license is revoked as of the date the insurance is cancelled.

G. NOTIFICATION: The general contractor or sub-contractor must immediately notify the Village Development Services Department if his/her insurance bond is cancelled. The Development Services Department must receive the notice of cancellation within seven (7) days of the bond being cancelled.

H. LICENSE ISSUANCE: The Village’s Development Services Department shall license contractors to work within its corporate limits upon proper application, compliance with the provisions of this Ordinance, and payment of the fee set out in this ordinance.

1. All licenses shall be valid for one calendar year from January 1 to December 31, unless otherwise revoked as prescribed in this Ordinance.
2. All general contractors and sub-contractors must be licensed prior to being issued any building permits by the Village’s Development Services Department.
3. Any and all insurance companies used by general contractors or sub-contractors to comply with the provision of this Ordinance must maintain a minimum “A” rating.

I. LICENSE REVOCATION AND REINSTATEMENT: Any registration issued under the provisions of this Ordinance may be revoked by the Village’s Development Services Department for violation(s) of any of the provisions of this Ordinance not repaired within fourteen (14) days from the notice of violation(s) or a limited amount of time as determined by the Building Official. Such revocation shall be in addition to fines or penalties imposed and items listed below:

1. No person whose registration has been revoked as herein provided shall be eligible for a reinstated new license for a period to be determined by the Building Official, as based upon the severity of the violation. A fifty dollar (\$50.00) administrative fee shall be paid to the Village prior to any approved contractor license reinstatement.

2. All appeals from the action of the Building Official to revoke a contractor or subcontractor's license shall be filed within ten (10) days of such action with the Village who shall conduct a hearing on such revocation.

3. The Village's Development Services Department may refuse to issue or reinstate a license in the event that any of the provisions of this Ordinance, which are conditions precedent to the issuance of the license, have not been met. The Village shall serve as the Building Board of Appeals, and application for appeal shall be made to the Chairman of this Committee within ten (10) days of the Building Official's decision. Both the aggrieved party and the Building Official shall be permitted to give testimony, call witnesses and present evidence to the Building Board of Appeals. The Chairman shall administer and may, at his/her discretion, place a time limit on all testimony.

Orland Park's active license/bond holder's classification website:

<https://www.orland-park.il.us/DocumentCenter/Home/View/1416>

Illinois Surety Bond Website Examples:

<http://www.suretyillinois.com/>

SECTION 5

Section 5-1-7 of the Village Code of the Village of Orland Park is hereby deleted in its entirety.

SECTION 6

Section 5-1-8 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 5-1-8 and to substitute the following as new text for Section 5-1-8:

5-1-8: BUILDING CRITERIA FOR LANDMARK AND HISTORIC BUILDINGS:

A. The provisions of the Village building code ordinances relating to the construction, repair, alteration, enlargement, restoration and moving of buildings or structures, designated as Landmarks or designated Historic Districts by the State or Village are not mandatory. Such buildings or structures must meet the requirements of Section 5-110 of the Land Development Code pertaining to Certificates of Appropriateness, the US Secretary of the Interior's Standards for Restoration, Rehabilitation and Preservation and Chapter 34 of the 2015/IBC "Building Code" as amended. (Ord. 4614, 1-17-11; Amd. Ord. 4786, 2-4-13)

B. However, such buildings must be judged by the building code official to be safe and not contrary to the public health, safety and welfare with regard to any proposed construction, alteration, repair, enlargement, relocation or location. (Amd. Ord. 4786, 2-4-13)

C. Any proposed change must be based upon an applicant's complete submission of professional architectural drawings and specifications and, where applicable, engineering plans and specifications; and any drawings, plans and specifications so submitted shall bear the professional seal of the designer.

D. The plans, drawings and specifications shall indicate the structural soundness, life safety and fire safety features of the existing structure; and the plans, drawings and specifications shall show the structural soundness, life safety and fire safety features to be included in the proposed change(s).

E. Any building which is changed pursuant to the provisions of this Section shall be maintained in accordance with the approved plans, drawings and specifications.

SECTION 7

Section 5-1-10 of the Village Code of the Village of Orland Park is hereby amended to delete the words “Building Manager” in the third line of the second paragraph and to replace with the words “Building Division Manager.”

SECTION 8

Section 5-1-11 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 5-1-11 and to substitute the following as new text for Section 5-1-11:

5-1-11: IBC 2015 ADOPTED (MODEL CODE):

Adopted and applicable to all buildings and structures or parts thereof and appurtenances thereof, are those rules and regulations set forth with particularity in the booklet entitled “International Building Code/2015” first publication: May 30th, 2014, published by International Code Council, INC. 4051 Flossmoor Road, Country Club Hills, Illinois, amended however, in that the following portions indicated in deleted Sections of 5-1-13 hereof are not hereby adopted, or are hereby amended or added to that code as indicated in Section 5-1-13. (Ord. 4614 - 1-17-11; Amd. Ord. 4786, 2-4-13).

SECTION 9

Section 5-1-12 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 5-1-12 and to substitute the following as new text for Section 5-1-12:

5-1-12: DELETIONS FROM IBC 2015 (MODEL CODE):

Code text deleted from the IBC Model Code’s chapters, sections or tables are so arranged to be viewed at or near each of the Village Code’s amendments, (5-1-13 and 5-1-14 of this Code). (Ord. 4786, 2-4-13)

SECTION 10

Section 5-1-13 of the Village Code of the Village of Orland Park is hereby amended to delete the present language in its entirety and substitute the following language shown on Exhibit A, a copy which is attached.

SECTION 11

Section 5-1-14 of the Village Code of the Village of Orland Park is hereby amended to add Section 5-1-14 thereto, which shall read in its entirety as shown on Exhibit B, a copy of which is attached.

SECTION 12

Section 5-1-15 of the Village Code of the Village of Orland Park is hereby amended to add Section 5-1-15 thereto, which shall read in its entirety as follows:

5-1-15: VIOLATIONS AND PENALTIES:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or a permit or certificate issued under the provisions of this code, shall be subject to penalties and fines as described in the Village Code, Title 1, Chapter 4 or penalties as identified by more specific ordinances.

WORK BEGUN WITHOUT A PROPER PERMIT: When work has begun or is completed without a proper permit having been obtained, the fee for required inspections and plan reviews shall be as set forth in the Village Code, Title 5, Chapter 2, Section 14 (“WORK BEGUN WITHOUT A PERMIT”). (Ord. 3910, 7-19-04)

UNLAWFUL CONTINUANCE AND STOP WORK ORDER: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable and subject to the maximum penalty as described in the Village Code, Title 1, Chapter 4, in addition to penalties specified in other code sections or as specified by other adopted ordinances. (Ord. 3910, 7-19-04)

WORK CONTINUED BEYOND A FOUNDATION PERMIT: When a permit has been issued for the foundation portion of a building only and construction has proceeded above the foundation (or ground level of the building) prior to the full building permit being issued, a penalty shall be charged for each day work has continued before the permit has been approved and issued by the building official as listed below:

1st offense: “Stop Work” order and a fee of \$500.00 with the allowance to remove any hazardous work conditions for that workday.

Additional offenses: “Stop Work” order and a fee of \$1,000.00 with the allowance to remove any hazardous work conditions for that workday. (Ord. 3910, 7-19-04; Amd. Ord. 4614, 1/17/10).

BUILDING OR TENANT SPACES OCCUPIED WITHOUT APPROVAL: As referenced in Title 5, Chapter 1, Section 4 of this code (5-1-4) any building owner or tenant who violates and/or occupies a building, structure or a part thereof prior to an approval by the building official shall pay a fine of not less than \$500.00 for each offense. Each day of non-conforming occupancy without an approval by the building official shall constitute a separate violation. (See VC 1-4 and 5-2-14 referencing other fines and penalties.)

SEVERABILITY: In the event that any court of competent jurisdiction may declare that any provision or part of a provision of this Ordinance is void or unconstitutional, the remaining provisions and parts of provisions not ruled void or unconstitutional shall continue in full force and effect.

CONSTRUCTION NOT COMPLETED: Inspection requests submitted to the Village prior to stages of work being completed by the owner, agent, builder, or contractor are subject to re-inspection fees (5-2-7-5). Construction field management is not performed by Village Staff.

EXECUTION: The provisions of this ordinance shall at all times be the duty of the building’s owner, agent and/or contractors to regularly request inspections of the construction activities for code conformance and to see the same are being conducted and operated in accordance with the requirements of all Village laws and ordinances applicable thereto.

PENALTY: Any person who violates any provision of this Ordinance or fails to comply with any of the requirements thereof shall be guilty of an offense punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 13

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.