

ORDINANCE NO. 18-49

**AN ORDINANCE AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF
THE COLLINSVILLE MUNICIPAL CODE PROVIDING FOR OCCUPANCY
PERMITS AND INSPECTIONS**

WHEREAS, the City of Collinsville, Illinois (the "City") has from time to time adopted certain minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance, and use of all buildings and structures; and

WHEREAS, the City desires to adopt a new Chapter 15.50 of the City Code of Ordinances, to include police power, licensing and public welfare provisions for permitting and inspections related to the occupancy of residential and nonresidential structures.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLINSVILLE, ILLINOIS, as follows:

SECTION 1: In the event of conflicts between any provision of this Ordinance and the provisions of any previously adopted and approved Ordinance, the provisions of this Ordinance shall govern. Ordinance No. 4201, Ordinance No. 4366, Ordinance No. 3587, and Ordinance No. 3420 and all subsequent amendments are hereby repealed.

SECTION 2: That the City Manager of the City of Collinsville is hereby authorized to and shall take any and all reasonable, necessary and proper actions to carry out the intent and purposes of this Ordinance, including but not limited to, establishing programmatic effective dates and terms for elements of said ordinance.

SECTION 3: That Title 15 (Buildings and Construction) of the Collinsville Municipal Code is hereby amended by the addition thereto of Chapter 15.50 entitled "Occupancy Permit and Inspections", to be read in its entirety as follows:

"Chapter 15.50 – Occupancy Permit and Inspections

Sec 15.50.005 - Statement of Purpose

Sec. 15.50.010 - Regulations Adopted

Sec. 15.50.020 - Permit Required

Sec. 15.50.030 - Definitions

Sec. 15.50.040- Reserved

Sec. 15.50.050 - Reserved

Sec. 15.50.060 - Certificate Required

Sec. 15.50.070 - Existing Structures

Sec. 15.50.080 - Exceptions

- Sec. 15.50.090 - Application Process
- Sec. 15.50.100 - Submitting Application
- Sec. 15.50.110 - Action on Application; Permit Contents
- Sec. 15.50.120 - Scheduling of Regular Inspections.
- Sec. 15.50.130 - Utility Services
- Sec. 15.50.135 - Duty of Public Utility Companies
- Sec. 15.50.140 - Refusal to consent; warrant procedures
- Sec. 15.50.150 - Residential Permit Requirements
- Sec. 15.50.160 - Commercial Permit Requirements
- Sec. 15.50.170 - Annual inspections
- Sec. 15.50.180 - Accessibility
- Sec. 15.50.190 - Means of Appeal
- Sec. 15.50.200 - Permit not a Warranty
- Sec. 15.50.210 - Fees

Sec 15.50.005. - Statement of Purpose.

This Chapter is intended to assist in providing healthy and safe living conditions for the residents of the City of Collinsville by adopting and incorporating minimum Building Code standards required of structures. Inspections shall be done in an objective and neutral manner.

Sec. 15.50.010. – Regulations Adopted.

The following regulations are hereby adopted as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein.

Sec. 15.50.020. - Permit Required.

Except for as otherwise provided for in this Chapter, it shall be unlawful for the owner of a parcel of real estate on which a residential or non-residential structure is situated, to occupy the structure or permit the occupancy of the structure by any person without complying with this Chapter. The owner shall not occupy or allow the occupancy of any existing residential or non-residential structure, if the Occupancy Permit thereto has been revoked.

A. A Change in Occupancy or a Change in Ownership as defined herein shall require compliance with this Chapter, unless otherwise excepted herein. To obtain an Occupancy Permit, the owner must comply with the application process outlined in this Chapter within the prescribed time.

B. Except for as otherwise provided for in this Chapter, once an Occupancy Permit is issued it shall thereafter it shall be unlawful for the owner to change or allow a change of occupancy with or without change of ownership of the residential or non-residential structure without the owner complying with the Chapter prior to the change of occupancy.

Sec. 15.50.030. – Definitions.

Building Code means the 2015 International Building Code, the 2015 International Fire Code, the 2015 International Mechanical Code, the 2015 International Property Maintenance Code, the 2015 International Residential Code, the 2015 International Existing Building Code, the 2015 International Fuel Gas Code, and the 2015 International/Illinois Energy Conservation Code, the 2012 NFPA 101 Life Safety Code, the 2014 National Electrical Code, and the Illinois State Plumbing Code and such appendices and amendments further prescribed by City Ordinances adopting such codes, as may be amended.

Building Official shall include the City in general and specifically mean the City's employee, officer, or other authorized representative designate with that title or charged with the administration and enforcement of this Chapter and may also include more than one City employee or agent at a time. Building Official may be considered interchangeable with Code Official.

Change in Occupancy shall mean a change in possession of a residential or non-residential structure by way of rental, leasehold, ownership, or other manner of tenancy.

City means the City of Collinsville, Illinois.

Code Official shall include the City in general and specifically mean the City's employee, officer, or other authorized representative designate with that title or charged with the administration and enforcement of this Chapter and may also include more than one City employee or agent at a time. Code Official may be considered interchangeable with Building Official.

Change of Ownership shall mean one or more of the following:

- A. Transfer of title to the real property via a deed;
- B. Transfer of a majority interest in a trust holding title to the real property; or
- C. Transfer of majority interest in a Corporation, Limited Liability Company, Partnership, Joint Venture, or other entity holding title to the real property.

Owner means the person or entity having a legal or equitable interest in the real estate on which a structure is located at the time of transfer of the title to the real estate to the transferee or at the time of change in occupancy of the structure situated on the real estate.

Property Maintenance Code means the 2015 International Property Maintenance Code, as published by the International Code Council, Inc., including Appendix A, and the amendments

further prescribed the City Ordinances adopting the 2015 International Property Maintenance Code, as may be amended.

Residential Code means the 2015 International Residential Code as published by the International Code Council, Inc., including Appendices E, F, G, and H, and the amendments further prescribed the City Ordinances adopting the 2015 International Residential Code, as may be amended.

Sec. 15.50.040 – Reserved

Sec. 15.50.050 – Reserved

Sec. 15.50.060 - Certificate Required.

A Certificate of Occupancy issued for new structures by the code official under Section 110.0 of the Building Code and Section R110 of the Residential Code shall be considered and is expressly distinguished from the Occupancy Permit required pursuant to this Chapter. However, such Certificate of Occupancy may be honored as an alternative to the Occupancy Permit required by this Chapter, provided the subject structure otherwise complies with the standards and requirements of this Chapter. In the absence of such compliance, any building permit fees paid to the City shall be counted toward the fee required for the Occupancy Permit under the Property Maintenance Code.

Sec. 15.50.070. – Existing Structures.

Any existing structures inspected under the Property Maintenance Code will not be subject to the requirements of the Building Code or Residential Code, unless the building is also subject to new construction, alteration, addition, or relocation requirements, and then only the portion that is affected by that work. The legal occupancy of any structure existing on the date of the adoption of this code, or for which it has been heretofore approved shall be permitted to continue without change, except as is otherwise specifically covered in this property maintenance code, the residential building code, the building code, or fire prevention codes or presents a threat to the life, health and safety of the occupants.

Sec. 15.50.080. – Exceptions.

The inspection provisions of this Chapter shall not be applicable in the following instances:

- A. To the change in ownership of a residential or non-residential structure containing a dwelling unit when the change in ownership is between co-owners and if there is no change in occupancy.
- B. To the change in occupancy or ownership of a residential structure within twenty-four (24) months from the date of the last issued Occupancy Permit provided for by this Chapter.
- C. To a change in ownership of a residential or non-residential structure when the new buyer or transferee within seven (7) days from date of purchase or transfer, delivers a notarized statement to the Code Official stating that the buyer/transferee will cause the structure to be

demolished within six (6) months from the date of purchase or transfer. Said notarized statement is required to include the following: *"I declare (or certify, verify, or state) under penalty of perjury that the statement herein is true and correct."*

D. To the change in ownership or occupancy of a residential structure within thirty-six (36) months from the date of issue of a Certificate of Occupancy for new construction.

E. To the change in ownership of any structure when a new owner accepts all responsibility for obtaining the inspection and an Occupancy Permit required by this Chapter that the owner and the new owner submit an application for an Occupancy Permit along with a written, dated, and signed agreement between the owner and new owner, with signatures notarized, that the new owner accepts responsibility for obtaining the inspection and an Occupancy Permit. The structure may not be occupied until the above documents have been filed with the Code Official. Said notarized statement by all parties is required to include the following: *"I declare (or certify, verify, or state) under penalty of perjury that the statement herein is true and correct."*

Sec. 15.50.90. - Application Process.

Application for the Occupancy Permit required by the Property Maintenance Code shall be made by the owner of the structure or by their agent. Any application submitted by a person other than the owner shall be done so with legal authorization from the owner. The application shall contain the full name and street address of the owner or the names and street addresses of the responsible officers if the owner is other than a natural person and the name and street address of the applicant. It shall be unlawful for any person to knowingly make any false statement on an application for an Occupancy Permit. The application for such Occupancy Permit shall be submitted in such form as the building official prescribes and shall be filed with the City:

- A. In the case of a change of ownership, irrespective of tenancy, at least seven days before the date of transfer of title or effective date of contract for deed.
- B. In the case of a change of renter, tenant, or lessee.

Sec. 15.50.100. – Submitting Application.

Once application is made, owner can allow the structure to be occupied, unless the conditions in exception (below) apply. The property maintenance inspection required for issuance of an Occupancy Permit must be scheduled within 7 days after application is made and once the property maintenance inspection is completed and the owner has been notified of any violations, all violations shall be corrected within 30 days and a re-inspection scheduled. An extension of the 30-day period listed above can be obtained, with due cause, only after written request and then by approval of the Building Official.

Exception: If the property is sold/purchased "As Is" or if the structure has not been occupied for a period of 6 months or more than an initial inspection must be completed if any structure that is clearly unsafe for its use and occupancy on the exterior of the

property, or there are any life safety violations, they must be corrected. This inspection will need to be scheduled within 2 business days of the request. Once the exterior violations and life safety violations are completed, normal time requirements will apply.

Sec. 15.50.110. - Action on Application; Permit Contents.

The Code Official shall examine or cause to be examined all applications for an Occupancy Permit and shall inspect or cause to be inspected, the structure which is the subject of the application within thirty (30) days after filing. If the application and the structure conform to the requirements of all pertinent laws of the City, the Code Official shall issue the Occupancy Permit within the same thirty (30) day period. The Occupancy Permit shall certify that the structure complies with the provisions of this Chapter and the Property Maintenance Code and shall additionally set forth the use, street address or other means of identification, date of issuance, and such other information as the code official shall deem appropriate for the implementation of this code. Occupancy Permits for residential structures shall additionally state the maximum number of occupants permitted by the Building Code.

Sec. 15.50.120. - Scheduling of Regular Inspections.

Inspections and re-inspections shall be scheduled for normal work days and hours of the City of Collinsville. Appointments for inspection and/or re-inspection shall be made for time(s) of mutual convenience of the applicant and the building official whenever possible and within the time frames specified in this Chapter. It shall be the responsibility of the owner or the owner's agent, or the structure's tenant to provide access to the residential or non-residential structure(s) within seven (7) days from the date of request by the City for gain of entry and free access.

Sec. 15.50.130. – Utility Services.

Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and re-inspection. Water service through the City and authorization to have electric service activated by that service provider will not be authorized until application is made, when required, for an Occupancy Permit and has been filed with the Building Official.

Sec. 15.50.135. – Duty of Public Utility Companies.

A. Every person, firm or corporation or other business entity, whether public or private, that sells or supplies utility services within the City limits, including but not limited to, water, electricity or gas, but excepting telephone service, shall not commence such service, nor initiate providing such service, to any dwelling unit or portion thereof, to any person or party unless the person or party intending to occupy same has presented to the said utility supplier or provider an occupancy permit to owner/agent wherein the signature of the appropriate City official.

B. This Section shall not apply to any occupancy wherein the occupant is seeking restoration of utility service subsequent to a discontinuance or disconnection of same or where the occupant is seeking additional services at the same dwelling.

Sec. 15.50.140. - Refusal to consent; warrant procedures.

If the owner does not consent to the any of the inspection provided for by this Chapter, the City may appear before any judge in a circuit court of competent jurisdiction and seek an administrative search warrant to allow the inspection. Any such application shall be made within fifteen (15) calendar days after the owner's non-consent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this Chapter, and whether there have been any illegal conversions. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

- A. Eyewitness account of violations;
- B. Citizen complaints;
- C. Tenant complaints;
- D. Plain view violations;
- E. Violations apparent from city records;
- F. Property deterioration;
- G. Age of property;
- H. Nature of alleged violation;
- I. Condition of similar properties in the area;
- J. Documented violations on similar properties in the area;
- K. Passage of time since last inspection;
- L. Previous violations on the property.

Sec. 15.50.150. Residential Permit Requirements.

The following additional regulations and standards are hereby adopted for both owner-occupied and rented residential units as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein.

- A. The following locations shall have GFCI protection pursuant to Part VIII of the 2015 International Residential Code:
 - 1. Toilet and bathrooms.
 - 2. Garages.

3. Outdoor receptacles.
4. Kitchen and bar sink receptacles that serve countertop surfaces.
5. Unfinished basement receptacles.
6. Hydromassage bathtubs.
7. Crawl space receptacles.

B. Garages shall be separated from the residence and its attic by the following means:

1. The garage shall be separated from the residence and its attic area by means of minimum of 1/2-inch gypsum board applied to the garage side.
2. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood doors not less than 1 and 3/8 inch in thickness, 20-minute fire-rated doors or metal insulated doors.

C. Gas appliances shall have a shutoff valve separate from the appliance. The shutoff valve shall be located in the same room as the appliance, not further than 6 feet from the appliance or within reasonable proximity, and installed upstream from the union, connector, or quick disconnect device it serves.

D. Swimming pools must comply with the safety regulations of App. G of the 2015 International Residential Code.

E. Panel covers must be provided access for removal or cause to be removed electric service panel covers for inspection of inside service panel, if required.

F. Carbon Monoxide Detector requirements are set forth in the Illinois Carbon Monoxide Detector Act.

Sec. 15.50.160. - Commercial Permit Requirements.

As to Sections 15.50.170 through 15.50.180, the following additional regulations and standards are hereby adopted for non-residential/commercial structures as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein.

Sec. 15.50.170. - Annual inspections.

Shall be required on all non-residential/commercial structures or premises of the following types and uses:

- A. A principal non-residential/ commercial structure that contains a residential occupancy, such as apartments, that constitutes an accessory use to the structure. The residential portion of that structure shall be only inspected under the guidelines for residential occupancy and related exceptions.

- B. All structures in the R1 Use Group as defined in the Building Code, i.e., hotels, motels, bed and breakfast and boarding houses.
- C. All structures in the A-1 Use Group as defined in the Building Code, i.e., theaters, concert halls.
- D. All structures in the A-3 Use Group as defined in the Building Code, i.e., structures intended for worship, recreation, amusement, community halls, dance halls, etc.
- E. Any other structure within the Assembly Group as defined in the Building Code, which in the determination of the Building Official presents a potential public safety hazard to the occupants.
- F. All structures having automatic fire suppression systems, including fire suppression cooking hood systems.
- G. All structures and facilities used for child care and having an average daily attendance of eight or more children.
- H. Any structure in the H (hazardous) Use Group as defined by the Building Code.
- I. Commercial buildings required to have a fire alarm system for code requirements as a condition of occupancy must have those systems monitored by an approved central station alarm company or proprietary supervising station.

Sec. 15.50.180. - Accessibility.

Multi-Family buildings of more than 4 units and all commercial lots must have striping and signage that shall be maintained for compliance with the Illinois Accessibility Code.

Sec. 15.50.190. - Means of Appeal.

Any person affected by a decision of the Code Official, or a notice or order issued under this Chapter, shall have the right of appeal to the Building Code Review Committee, established by Section 112 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.

Sec. 15.50.200. – Permit not a Warranty.

In issuing an Occupancy Permit, the City does not intend to, nor does it warrant, insure or guarantee to the holder thereof, to his or her assignee or to any other interested person, that there are no violations of any provision of this Chapter or any other ordinance. The City makes no warranty or representation, whatsoever, as to the condition of any structure.

Sec. 15.50.210. - Fees.

Fees for an Occupancy Permit shall be paid to the City at the rate or rates established in Title 4 of the Collinsville Municipal Code.”

SECTION 4: If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION 5: All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval, publication if necessary, as provided by law; however, the implementation of Section 14 of this Ordinance shall occur per the recommendations of the City Manager.

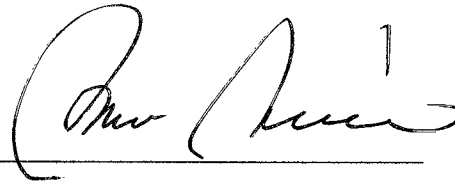
Passed by the City Council of the City of Collinsville, Illinois, on the 29th day of May 2018.

Ayes: Stehman, Brombolich, Green, Miller

Nays: Jerome

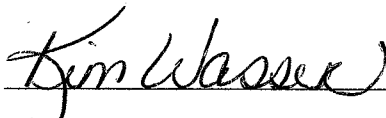
Absent: None

Approved: May 29, 2018



John Miller, Mayor

ATTEST:



Kim Wasser, City Clerk

RECORDED: _____, 2018