

CITY OF EFFINGHAM, IL

2015 RESIDENTIAL CODE AMENDMENTS

CHAPTER 1 SCOPE AND ADMINISTRATION

Passim. Wherever the phrase “[name of jurisdiction]” or the word “jurisdiction” appears, they shall be deemed to refer to the City of Effingham, Illinois.

Passim. Wherever the phrase “*building official*” appears, it shall be deemed to refer to the City of Effingham Building Official, or his/her duly designated agent or agents.

Passim. Wherever any reference to “*ICC Electrical Code*” appears, it shall be replaced with the phrase “*(NFPA 70) National Electric Code, 2008 Edition, as adopted by the City of Effingham, Illinois.*”

Passim. Wherever any reference to “*International Energy Conservation Code (IECC)*” appears, it shall be replaced with the phrase “*Illinois Energy Conservation Code (IECC), as may be amended from time to time by the State of Illinois.*”

Passim. Wherever any reference to “*ICC Plumbing Code*” appears, it shall be replaced with the phrase “*Illinois Plumbing Code, as may be amended from time to time by the State of Illinois.*”

Passim. Wherever any reference to “*International Pool & Spa Code*” appears, it shall be replaced with the phrase “*applicable regulations contained within Appendix B of the Municipal Code of Effingham, Illinois.*”

Amend: **R101.1.** These regulations shall be known as *Residential Code for One- and Two-Family Dwellings* of the City of Effingham, Illinois, hereinafter referred to as either “this code” or “IRC.”

Amend: **R102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. In addition, when other codes, ordinances, or regulations of the City impose more rigid requirements (as determined by the *building official*), such more rigid requirements shall apply, notwithstanding any conflict with provisions of this code.

Amend: **R102.5 Appendices.** Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance. The City hereby adopts the following appendices as part of this code:

- a. Appendix F.

Add: **R102.8 Continuation of unlawful use.** The continuation of occupancy or use of a building, *structure*, or part thereof, contrary to the provisions of this code, shall be deemed a violation and be subject to the penalties prescribed in Section R113.4, as well as the provisions contained in Section R113.5.

Add: **R102.9 Other Regulations.** When the provision of this code herein specified for the health, safety, and welfare are more restrictive than other regulations, this code shall control, provided, however, in any case, the most restrictive requirements (as determined by the *building official*) of either this code or other regulations shall apply whenever a conflict exists. Nothing herein shall be construed as authorizing any use or construction not authorized by the zoning, subdivision, or other rules, regulations, ordinances, and resolutions of the City of Effingham, and the mention of uses and building types, sizes, or configurations in this code which are not permitted by other rules, regulations, ordinances, and resolutions of the City shall not be given any force, effect, or meaning within the City.

Amend: **R103.1 Creation of enforcement agency.** The City of Effingham Building Official's Office and the Building Official in charge thereof shall be known as the *building official*.

Amend: **R105.1 Required.** Any *owner* or *owner's* authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building, *structure*, sign or billboard of any description or to erect certain towers or to cause any such work to be performed, shall first make application to the *building official* and obtain any required *permit*.

Amend: **R105.2 Work exempt from permit.** Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. One-story detached *accessory structures*, provided that the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 8 feet (2438 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways, that are not on public right of way or easements.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support.
10. Decks and patios not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a dwelling, do not serve the exit door required by Section R311.4 and are not covered with a roof.

Delete: **Section R105.2.3.**

Amend: **R105.3.2 Time limitation of application and extensions.** An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. If the *building official* grants a first extension, for up to 90 days, there will not be a fee assessed, in the event the *building official* grants a second extension, for up to 90 days, a fee of ½ of the original cost of the *permit* shall be assessed. Notwithstanding contained herein to the contrary, if a *permit* has not been granted within 360 days after the date of filing of the application, a new *permit* application shall be filed and the full filing fee shall be assessed.

Amend: **R105.5 Expiration.** Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is completed within 18 months after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Add: **R105.5.1 Permit Duration Extension.** A *permit* may be extended for one additional six (6) month period upon application of the *permit* applicant, and the payment of a one hundred dollars (\$100.00) *permit* extension fee. In the event that all construction has not been completed within the eighteen (18) month period, or as may be extended to twenty-four (24) months in accordance with this section, no further construction shall occur, until the *permit* applicant shall obtain a new *permit* and pay all fees associated therewith. It is the purpose of this section to provide a reasonable time for the construction activities to occur, but to provide an outside limit to avoid unduly prolonging the disturbing aspects that occur with construction and in particular the impact on people and properties within the immediate vicinities thereof.

Amend: **R105.8 Responsibility.** It shall be the duty of every *person* who performs work for the

installation or repair of building or *structure* or electrical, gas, mechanical, or plumbing systems, for which this code is applicable, to comply with this code as adopted by the City of Effingham.

Delete: **Section R106.3.1.**

Amend: **R108.2 Application and Permit Fees.** On buildings, *structures*, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, all fees for any application and *permit* pursuant to *this code* are as set forth in the City’s Building, Electrical, and Plumbing Comprehensive Fee Schedule. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work done in connection to or concurrently with the work authorized by a *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

If any *person* causes any erection, construction, repair, *alteration*, removal or excavation to be made in or for any building, *structure* or any part thereof, without first obtaining the *permit* or *permits* required therefor by any of the provisions of this code, the fee for such *permit* or *permits* shall be equal to twice the sum set forth by the City of Effingham. Notwithstanding and in addition to the foregoing, any *person* who causes any erection, construction, repair, *alteration*, removal or excavation to be made in or for any building, *structure*, or any part thereof, without first obtaining the requisite *permit*(s) shall be subject to penalties as prescribed by Section R113.4, as well as the provisions contained in Section R113.5..

Amend: **R108.5 Refunds.** No refund shall be made in the event of revocation of a *permit* or abandonment or discontinuance of a building project.

Delete: **Section R108.6.**

Delete: **Section R109.1.3.**

Amend: **R110.1. Use and occupancy.** A building or *structure* shall not be used or occupied, and a change in the existing use or occupancy classification of a building or *structure* or portion thereof shall not be made, until all required final inspections have been completed and *approved*. Once all final inspections have been *approved*, a certificate of occupancy will be provided. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

Exceptions: Certificates of occupancy are not required for the following:

1. Work exempt from *permits* under Sections R105.2; and,
2. Accessory buildings or *structures*.

Amend: **R113.4 Violation 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 *building official*, or of a *permit* or certificate issued under the provisions of this Code, shall be subject to a civil fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. A separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues. Any such *person* may be further ordered to pay restitution to the City of Effingham for any costs incurred by the City of Effingham as a result of the violation of this code, excluding attorney fees incurred in the prosecution of such violation. Notwithstanding any provision in this code to the contrary, wherever any statute or public act of the General Assembly shall limit the amount of any fine or penalty, the fine or penalty imposed by this code shall be the maximum amount permitted by such statute or public act. Every act or omission of whatsoever nature constituting a violation of any provision of this code, by any officer, director, manager or other agent or employee of any *person*, shall be deemed and held to be the act of such *person*, and the *person* shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

Add: **R113.5. Abatement of violation:** The imposition of any fee, fine, or penalty prescribed herein shall not preclude the City Attorney of the *jurisdiction* from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, *structure*, or premises, or to stop an illegal act, business conduct, or occupancy of a building or *structure* on or about any premises.

Amend: **R114.2 Unlawful continuance.** 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 condition, shall be subject to penalties as prescribed by Section R113.4, as well as the provisions contained in Section R113.5.

CHAPTER 2 DEFINITIONS

Add: Definition in Section R202.

“New Construction”: The following shall be classified as New Construction:

1. New buildings;
2. Existing buildings or *structures* having height and/or area added (the new area only);
3. Existing buildings having the interior *alterations* exceeding fifty percent (50%) of the overall square footage;
4. Existing buildings having interior *alterations* valuing over fifty percent (50%) of the fair market value; and,

- Existing building changing use groups.

CHAPTER 3 BUILDING PLANNING

Amend: Table R301.2(1)

TABLE R301.2(1)													
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
GROUND SNOW LOAD (d)	WIND DESIGN				SEISMIC DESIGN CATEGORY (f)	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP (e)	ICE BARRIER UNDERLAYMENT REQUIRED (h)	FLOOD HAZARDS (g)	AIR FREEZING INDEX (i)	MEAN ANNUAL TEMP (j)
	Speed (d) (mph)	Topographic effects (k)	Special wind region (l)	Wind-borne debris zone (m)		Weathering (a)	Frost line depth (b)	Termite (c)					
20	90	NO	NO	NO	C	SEVERE	36"	MOD/HVY	-4	YES	1985	1200	53.7

Amend: **R302.3 Two-family dwellings.** *Dwelling units* in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 2-hour *fire-resistance rating* where tested in accordance with ASTM E 119 or UL 263. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the *exterior wall*, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

Exceptions:

- A *fire-resistance rating* of 1 hour shall be permitted in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with NFPA13D.
- Wall assemblies need not extend through *attic* spaces where the ceiling is protected by not less than 5/8 inch (15.9 mm) Type X gypsum board, an *attic* draft stop constructed as specified in Section R320.12.1 is provided above and along the wall assembly separating the *dwellings* and the structural framing supporting the ceiling is protected by not less than 5/8 inch (15.9 mm) gypsum board or equivalent.

Amend: **R302.5.1 Opening protection.** 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 solid wood doors not less than 1 ¾ inches (44.45) in thickness, solid or honeycomb core steel doors not less than 1 ¾ inches thick, or 20-minute fire-rated doors, equipped with a self-closing device.

Amend: **R309.3 Flood hazard areas.** For buildings located in flood hazard areas as established by Table R301.2 (1), garage floors shall comply with the regulations contained within Chapter 11 of the Municipal Code of Effingham, Illinois, and also be:

- Elevated to or above the design flood hazard areas as determined in accordance with Section R322; or,

2. Located below the design flood elevation provided that the floors are at or above *grade* on not less than one side, are used solely for parking, building access or storage, meet the requirements of Section R322 and are otherwise constructed in accordance with this code.

Amend: **R309.5 Fire sprinklers.** Private garages may be protected by fire sprinklers where the garage wall has been designed based on table R302.1 (2), Footnote a. Sprinklers, when provided, in garages shall be connected to an *automatic sprinkler system* that complies with Section P2904. Garage sprinklers, designed to provide a density of 0.05 gpm/ft².

Amend: **R313.1. Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system may be installed in *townhouses*. When installed, automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

Amend: **R313.2 One- and two-family dwelling automatic fire systems.** An automatic residential fire sprinkler system may be installed in one- and two-family *dwellings*. When installed, automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

Amend: **R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area within fifteen (15) feet of each of the bedrooms.
3. On each additional *story* of the *dwelling*, including *basements* and *habitable attics* and not including crawl spaces and uninhabitable *attics*. In *dwellings* or *dwelling units* with split levels each split level shall be considered a separate *story*.
4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by section R314.3.

When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms within the dwelling unit.

Amend: **R315.3 Location.** Carbon monoxide alarms in *dwelling units* shall be installed outside of each separate sleeping area within fifteen (15) feet of each of the bedrooms. Where a fuel-burning *appliance* is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

Delete: **Section R320, including Sections R320.1 and R320.1.1.**

Amend: **R322.1 General.** Within *flood hazard areas, floodplain, or special flood hazard area* as identified or established within Chapter 11 of the Municipal Code of Effingham, Illinois, all new construction, *structures* and portions of buildings and *structures*, including substantial improvement and restoration of substantial damage to buildings and *structures*, shall comply with the regulations as contained in Chapter 11 of the Municipal Code of Effingham, Illinois, as amended from time to time.

Delete: **Sections 322.1.1 through 322.3.7**

Amend: **R326.1. General.** Swimming pools, spas, and hot tubs shall be installed in accordance to the regulations contained within Appendix B of the Municipal Code of Effingham, Illinois, as amended from time to time, and the NFPA 70 National Electric Code, 2008 Edition, as adopted by the City of Effingham, Illinois.

CHAPTER 4 FOUNDATIONS

Amend: **R403.2 Footings for wood foundations.** Wood foundations are not allowed.

Amend: **R403.4.1 Crushed stone footings.** Crushed stone footings are not allowed.

Amend: **R404.2 Wood foundation walls.** Wood foundation walls are not allowed.

Amend: **R405.2 Wood foundations.** Wood foundations are not allowed.

Delete: **Section R406.3, including Sections R406.301 through R406.3.4.**

CHAPTER 11 ENERGY EFFICIENCY

Delete: **Chapter 11.**

PART VII – PLUMBING -CHAPTERS 25 THROUGH 33

Delete: **Part VII- Plumbing, including Chapters 25 through 33. See the Illinois State Plumbing Code, as adopted by the City and as amended by this Ordinance.**

PART VIII- ELECTRICAL - CHAPTERS 34 THROUGH 41

Delete: **Part VIII- Electrical, including Chapters 34 through 41. See the NFPA 70 National Electrical Code, 2008 Edition, as adopted by the City and as amended by this Ordinance.**

CHAPTER 42 SWIMMING POOLS

Amend: **Chapter 42.** Swimming pools, spas, and hot tubs shall be installed in accordance to the regulations contained within Appendix B of the Municipal Code of Effingham, Illinois, as amended from time to time, and the NFPA 70 National Electric Code, 2008 Edition, as adopted by the City of Effingham, Illinois.

CHAPTER 44 REFERENCED STANDARDS

Amendments: Code References

1. Delete “*ICC Electrical Code*”, and replace with “*(NFPA 70) National Electric Code, 2008 Edition, as adopted by the City of Effingham, Illinois.*”
2. Delete “*International Energy Conservation Code (IECC)*” and replace with “*Illinois Energy Conservation Code (IECC), as may be amended from time to time by the State of Illinois.*”
3. Delete “*ICC Plumbing Code*” and replace with “*Illinois Plumbing Code, as may be amended from time to time by the State of Illinois.*”
4. IBC: See the modifications indicated in the International Building Code amendments.
5. IFC: See the modifications indicated in the International Fire Code amendments.
6. NFPA: See the modifications indicated in the National Fire Protection Agency 101, Life Safety Code, 2012 Edition amendments and the modifications indicated in the National Fire Protection Agency 101, Life Safety Code, 2015 Edition amendments.

ADOPTION OF APPENDICES:

ADOPTION OF APPENDICES: The City of Effingham, Illinois, hereby adopts Appendix F as part of this code and further amends Appendix F by deleting Section AF101.1, and replacing Section AF101.1 with the following substitution:

AF101.1 General. All buildings and radon control systems shall be designed and constructed to meet the requirements of the Illinois Radon Resistant Construction Act, 420 ILCS 52/1 *et. seq.*”