

CHAPTER 41

BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES

ARTICLE I – BUILDING CODE

41-1-1 **ADOPTION OF BOCA AND CABO.**

(A) The BOCA National Building Code, 14th Edition, 1999, as published by the Building Officials and Code Administrators International, Inc. (“BOCA”) be and is hereby adopted as part of the Building Code of the Village, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in this Chapter; provided, however, that in the event any of the provisions of the said BOCA are in conflict with the Illinois Municipal Code or any other applicable Code, regulation or Ordinance of the Village, the more restrictive regulation shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(B) The following sections of BOCA as set forth in **Section 41-1-1(A)** of the Village Code are hereby revised as follows:

- (1) Section 101.1 is revised to insert “Village of New Berlin, Illinois” as the name of jurisdiction as referred to in the said BOCA.
- (2) Sections 107.1 and 107.1.1 are subject to the provisions of **Section 40-7-2** of the Village Code (as amended by this Chapter or hereafter) and the written procedures adopted by the Village Board from time to time under **Section 40-7-2**. Section 107.1 is revised to include the following:
 - (7) Renovate or replace a roof
 - (8) Install or alter a sign
- (3) Section 112.3 is revised to insert the fee schedule as is set forth on **Exhibit “A”** attached hereto and made a part hereof.
- (4) Section 116.0 is deleted and is restated as follows:

116.1 Unlawful Acts: It shall be unlawful for any person, firm, corporation or other entity to erect, construct, alter, extend, repair, remove, demolish or occupy any building, other structure or equipment regulated by this Code in a manner which is in conflict with or in violation of any provision of this Code.

116.2 Notice of Violation: The Building Inspector shall serve a written Notice of Violation upon the person responsible for the violation of this Code and upon the owner of the property upon which the

violation occurs. Such Notice shall be served in person or by ordinary mail to the person or other entity to whom or which

it is directed at the last known mailing address of such person or other entity. Such Notice shall describe the alleged violation, the Ordinance, Code or other regulation involved, and what must be done to correct the alleged violation. The Notice shall further state the date by which the violation must be corrected, which shall be not less than **five (5) days** after the Notice is personally served or mailed; provided, however, that a shorter time may be specified if the alleged violation poses substantial immediate danger to persons or property, and a longer time may be specified if there would be practical difficulties in making the correction within **five (5) days** and no immediate danger to persons or property exists.

116.3 Remedies for Violation: If the alleged violation is not corrected within the time stated in the Notice of Violation, the Village may institute legal proceedings to restrain, correct or abate the violation, or pursue such other legal remedies as may be available to the Village at law or in equity.

116.4 Violation Penalties: In addition to the remedies available to the Village as set forth in **Section 116.3** above, any person or entity who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof, shall be guilty of an ordinance violation and shall be subject to a minimum fine for each offense as follows:

1 st Offense	\$50.00
2 nd Offense	100.00
3 rd Offense	200.00
4 th Offense	400.00
5 th and Subsequent Offense	750.00

For purposes of the above minimum fines, only violations of the same Ordinance, Code provision or regulation at the same location shall be considered a second, third, fourth, fifth or subsequent offense.

Each day such violation continues after the date specified for correction in the Notice of Violation served as provided in **Section 116.2** above shall be deemed to be a separate offense and shall be punishable as such.

- (5) Section 117.2 is revised to insert “a fine of not less than **Fifty Dollars (\$50.00)** or more than **Five Hundred Dollars (\$500.00)** for each day

a violation continues after Notice of Violation has been served upon the owner” in place of the amounts for fines.

- (6) Section 121.1 is supplemented to provide that the Board of Appeals shall hear all matters based upon any Code adopted by this Chapter.
- (7) Sections 121.2 and 121.2.1 are revised to provide that the Board of Appeals shall consist of the Zoning and Building Committee of the Village Board, which Board may consult with such technicians and experts as may be required.
- (8) Section 121.6 is amended by replacing the word “three” with the words “a majority vote of”.
- (9) Section 3408.2 is revised to insert as the date, that date which is **ten (10) days** after publication of this Chapter in pamphlet form.

(C) The CABO One and Two Family Dwelling Code, 1995 Edition, as published by the Building Officials and Code Administrators International, Inc. and referred to and incorporated in BOCA (“CABO”) be and is hereby adopted as part of the Building Code of the Village of New Berlin, Illinois, for the control of one and two-family dwelling units as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said CABO are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in this Chapter; provided, however, that in the event any of the provisions of the said CABO are in conflict with the Illinois Municipal Code or any other applicable Code, regulation or Ordinance of the Village, the more restrictive provision shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(D) For the purpose of this Chapter, any reference to BOCA will mean the 1999 Edition of the BOCA National Building Code; any reference to CABO will mean the 1995 Edition of the CABO One and Two Family Dwelling Code; any reference in BOCA, CABO and this Chapter to the governing body or the appointing authority shall be read as meaning the President and Board of Trustees; any reference to the Village will mean the Village of New Berlin, Illinois; and any reference to the Trustee will mean the Trustee who is Chairman of the Zoning and Building Committee of the Village Board. Any reference to the Code Official shall mean a person appointed from time to time by the President and the Board of Trustees of New Berlin, Illinois to oversee and/or participate in the plan check and inspections of the building activity within the Village of New Berlin. Any reference to the Building Inspector will mean the person or persons duly appointed from time to time by the President and Board of Trustees of New Berlin, Illinois to administer the Building Code.

(E) The violation penalties set forth in **Sections 41-1-1(B)(4)** and **41-1-1(B)(5)** shall apply to any violation of or failure to comply with any requirements of the said CABO.

ARTICLE II – PLUMBING CODE

41-2-1 ADOPTION OF ILLINOIS PLUMBING CODE.

(A) The Illinois State Plumbing Code 1993 (“ISPC”), promulgated pursuant to authority granted by the Illinois Plumbing License Law, as amended from time to time, is hereby adopted and incorporated herein by reference pursuant to the authority of the Illinois Municipal Code; provided that in the event any of the provisions of the said ISPC are in conflict with any other applicable Code, regulation or Ordinance of the Village, the more restrictive provision shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(B) For the purpose of this Chapter any reference to the ISPC will mean the 1993 Edition of the Illinois State Plumbing Code as amended from time to time; any reference in the ISPC and this Chapter to the governing body or the appointing authority shall be read as meaning the President and Board of Trustees of the Village of New Berlin, Illinois; any reference to the Village will mean the Village of New Berlin, Illinois; and any further reference to the Trustee will mean the Trustee who is the Chairman of the Zoning and Building Committee of the Village Board. Any reference to the Code Official and/or Plumbing Inspector will mean the person or persons appointed from time to time by the President and Board of Trustees of New Berlin, Illinois to administer the Plumbing Code.

(C) The violation penalties set forth in **Sections 41-1-1(B)(4) and 41-1-1(B)(5)** shall apply to any violation of or failure to comply with any requirements of the said ISPC.

ARTICLE III – ELECTRICAL CODE

41-3-1 ADOPTION OF THE NATIONAL ELECTRICAL CODE.

(A) The National Electrical Code, 1999 Edition (“NEC”), as published by the National Fire Protection Association, is hereby adopted and incorporated herein by reference pursuant to the authority of the Illinois Municipal Code; provided that in the event any of the provisions of the said NEC are in conflict with the Illinois Municipal Code or any other applicable Code, regulation or Ordinance of the Village, the more restrictive provision shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(B) For the purpose of this Chapter any reference to the NEC will mean the 1996 Edition of the National Electrical Code; any reference in the NEC and this Chapter to the governing body or the appointing authority shall be read as meaning the President and Board of Trustees of the Village of New Berlin, Illinois; any reference to the Village will mean the Village of New Berlin, Illinois; and any further reference to the Trustee will mean the Trustee who is the Chairman of the Zoning and Building Committee of the Village Board. Any reference to the Code Official and/or Electrical Inspector will mean the person or persons appointed from time to time by the President and Board of Trustees of New Berlin, Illinois to administer the Electrical Code.

(C) The violation penalties set forth in **Sections 41-1-1(B)(4)** and **41-1-1(B)(5)** shall apply to any violation of or failure to comply with any requirements of the said NEC.

ARTICLE IV – MECHANICAL CODE

41-4-1 ADOPTION OF INTERNATIONAL MECHANICAL CODE.

(A) The International Mechanical Code, 1998 Edition (“IMC”), as published by the Building Officials and Code Administrators International, Inc. is hereby adopted and incorporated herein by reference pursuant to the authority of the Illinois Municipal Code; provided that in the event any of the provisions of the said IMC are in conflict with the Illinois Municipal Code or any other applicable Code, regulation or Ordinance of the Village, the more restrictive provision shall prevail, except that in the event of such conflict with the provisions of **Chapter 40** of the Village Code (as amended by this Chapter or hereafter), the provisions of **Chapter 40** shall prevail.

(B) For the purpose of this Chapter any reference to the IMC will mean the 1998 Edition of the International Mechanical Code; any reference in the IMC and this Chapter to the governing body or the appointing authority shall be read as meaning the President and Board of Trustees of the Village of New Berlin, Illinois; any reference to the Village will mean the Village of New Berlin, Illinois; and any further reference to the Trustee will mean the Trustee who is the Chairman of the Zoning and Building Committee of the Village Board. Any reference to the Code Official and/or Mechanical Inspector will mean the person or persons appointed from time to time by the President and Board of Trustees of New Berlin, Illinois to administer the Mechanical Code.

(C) The violation penalties set forth in **Sections 41-1-1(B)(4)** and **41-1-1(B)(5)** shall apply to any violation of or failure to comply with any requirements of the said IMC.

(Ord. No. 2001-05; 08-15-01)