

CHAPTER 6

BUILDINGS

ARTICLE I - UNSAFE BUILDINGS

6-1-1 **DEFINITION.** For the purpose of this Chapter, "unsafe building" shall mean any building, shed, fence or any other structure which, because of its:

- (A) General condition, or
- (B) Faulty or partial construction, or
- (C) Inadequate maintenance, or
- (D) Dilapidation or deterioration, or
- (E) Lack of adequate doors or windows, or
- (F) Abandonment, or
- (G) Partial demolition or destruction, or
- (H) Any other cause is:
 - (1) Dangerous to the public health, and may cause or aid in the spread of disease or injury to the occupants thereof or of neighboring building; or
 - (2) Especially liable to fire, and constitutes or creates a fire hazard; or
 - (3) Especially liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure, or is otherwise structurally unsafe; or
 - (4) Available to and frequented by vagrants, transients, malefactors or disorderly persons, who are not lawful occupants of such structure.

6-1-2 **DECLARED NUISANCE.** Any unsafe building within the Village is hereby declared to be a nuisance, and all such buildings shall be abated by repair, rehabilitation, demolition or removal in accordance with the provisions of this Chapter.

6-1-3 **TO ALLOW UNSAFE BUILDINGS DECLARED UNLAWFUL.** It shall be unlawful for any person to permit the existence of any unsafe building within the Village; and it shall be unlawful for the owner, occupant or person in control of any unsafe building to permit the same to remain in an unsafe condition, or to occupy such building or permit the same to be occupied while it is or remains in an unsafe condition.

6-1-4 **INSPECTION; NOTICE TO ABATE, NOTICE TO VACATE.**
(A) The Fire Chief and Health Commissioner shall examine or cause to be examined every building or structure reported to be unsafe, and whenever, upon due investigation, the Fire Chief shall be of the opinion that any building or structure in the Village is an unsafe building, he shall file a written statement to this effect with the Village Clerk.

(B) The Clerk shall thereupon cause due notice in writing to be served upon the owner or owners of such building or structure, stating that the building has been declared to be in an unsafe condition, setting forth the causes therefor, and that such unsafe condition must be removed or remedied by repairing or altering the building or structure or by demolishing or removing the same. Such notice shall require the owner or person in control of the building or structure to commence the required repairs, improvement, demolition or removal of the building or structure, and all such work shall be completed with fifteen (15) days of the date of such notice, unless for special reasons stated a longer time is allowed, but in no case to exceed one hundred twenty (120) days.

(C) Should the conditions require, for reasons of public welfare and safety, such notice shall also require the building or structure to be vacated immediately and not reoccupied until the required repairs or improvements are completed, the building inspected and final approval given by the Village Board.

6-1-5 DUE NOTICE.

(A) Except where otherwise provided in this Chapter, "due notice" shall consist of personal service to owners of record of the real estate involved, or by registered mail sent to the last known address of such owner or owners, by posting such notice in the registered mail, postage prepaid.

(B) Whenever, upon diligent search, the identity or whereabouts of such owner or owners shall not be ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed shall constitute sufficient notice.

6-1-6 PUBLIC NOTICE OF UNSAFE BUILDING.

(A) Whenever any building or structure is found to be unsafe for occupancy, or detrimental to the public welfare and safety, the Fire Chief and Health Commissioner shall post or cause to be posted at each entrance to such building or structure a notice to read "**DO NOT ENTER, UNSAFE TO OCCUPY, BUILDING DEPARTMENT, VILLAGE OF NEW BADEN, ILLINOIS**".

(B) Such notice shall remain posted until such repairs, improvements, demolition or removal has been completed, and no notice so posted shall be removed without written permission by the Fire Chief and Health Commissioner or the Village Board and no person shall enter such building or structure, except for the purpose of making the required repairs, inspection, demolition or removal of said building.

6-1-7 FAILURE OF OWNER TO ABATE.

(A) In the event the owner or owners of any unsafe building, after fifteen (15) days' written notice, have neglected, refused or otherwise failed to put such building in a safe condition or to demolish it, the Village Board may make or cause to be made application to the Circuit Court of St. Clair or Clinton Counties for an order authorizing the Village to demolish or repair, or cause the demolition or repair, of dangerous and unsafe buildings or uncompleted and abandoned buildings.

(B) The cost of such demolition or repair including court costs, attorney fees and other costs related to the enforcement of this Code, shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which liens and encumbrances, except taxes; provided, that within sixty (60) days after such cost and expense is incurred the Village, or person performing the service by authority of the Village, in his or its own name, shall file notice of lien given under oath in the office of the recorder of deeds of St. Clair or Clinton Counties setting out:

- (1) A description of the real estate sufficient for identification thereof; and
- (2) The amount of money representing the cost and expense incurred or payable for the service; and
- (3) The date or dates when the cost or expense was incurred by the Village.

Such lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanic's liens; but such suits must be commenced within three (3) years after the date of filing notice of the lien.

(C) Upon payment of the costs and expenses by the owner of or persons interested in the property after the lien has been filed, the lien shall be released by the Village and a release of lien shall be provided to the owner or person of interest.

(D) It shall not be a defense to any cause of action brought pursuant to this Section that the building is boarded up or otherwise enclosed, nor shall a court order such building boarded up or otherwise enclosed.

6-1-8 **APPEAL OF NOTICE TO ABATE**. Should any owner or person in control of any unsafe building or structure be aggrieved with the order of the Fire Chief and Health Commissioner, he may appeal within five (5) days after service of the notice to abate, as heretofore provided, to the Village Board, who shall forthwith and within seven (7) days hold a hearing, make inspection of the premises and render a final decision.

[Unless Otherwise Noted, This Article Ord. No. 462; 02-01-88]

ARTICLE II – THE BUILDING CODES OF THE VILLAGE OF NEW BADEN

6-2-1 **BUILDING CODE ADOPTION.** The Building Codes of the Village of New Baden, Illinois, shall consist of the following which are incorporated by reference and made a part hereof as though fully set out herein, and are hereby adopted:

(A) The "2003 International Building Code," as published by the International Code Council, Inc., including the additions, insertions and deletions contained in this Article, is hereby adopted as the "Building Code of the Village of New Baden, Illinois" (the "Building Code");

(B) The "2003 International Residential Code," as published by the International Code Council, Inc., including the additions, insertions and deletions contained in this Article, is hereby adopted as the "Residential Code of the Village of New Baden" (the "Residential Code");

(C) The "2003 International Existing Building Code," as published by the International Code Council, Inc., including the additions, insertions and deletions contained in this Article, in hereby adopted as the "Existing Building Code of the Village of New Baden" (the "Existing Building Code");

(D) The "Illinois Plumbing Code, 1998", as promulgated and published by the Illinois Department of Public Health, including accumulative supplements thereto, as amended from time to time, be and is hereby adopted as the "Plumbing Code of the Village of New Baden" (the "Plumbing Code");

(E) The NFPA 70, National Electrical Code©", of the National Fire Protection Association, including the additions, insertions and deletions contained in the Article and any other accumulative supplements thereto, as amended from time to time, be and is hereby adopted as the "Electrical Code of the Village of New Baden" (the "Electrical Code"). **(Ord. No. 710; 10-3-05)**

6-2-2 **AMENDMENTS.**

(A) The Building Code is hereby amended as follows:

- (1) Section 101.1 is hereby amended by substituting "the Village of New Baden, Illinois, for the words "[NAME OF JURISDICTION]";
- (2) Section 101.4 is deleted in its entirety;
- (3) Section 103 shall be entitled "BUILDING OFFICIAL";
- (4) Section 103.1 is deleted and a new Section 103.1 is adopted in lieu thereof as follows:
 "103.1 Building Official defined. The term "building official" or "building code official" as used in this code shall mean the Village of New Baden Chief Building and Zoning Official.";
- (5) Sections 103.2 and 103.3 are deleted in their entirety;
- (6) Section 108.6 is deleted and a new Section 108.6 is adopted in lieu thereof as follows:
 "108.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work.";
- (7) Section 110 is deleted in its entirety;
- (8) Section 112.1 is deleted and a new Section 112.1 is adopted in lieu thereof as follows:
 "112.1 Appeals. The Village of New Baden Zoning Board of

Appeals shall hear any appeals of orders, decisions or determinations of the building official relative to the application and interpretation of this code. After such hearing the Zoning Board of Appeals shall issue an advisory report to the Village Board of Trustees. The Village Board of Trustees shall have final authority to act upon any appeals filed hereunder."

- (B) The Residential Code is hereby amended as follows:
- (1) Section R101.1 is hereby amended by substituting "the Village of New Baden, Illinois, for the words "[NAME OF JURISDICTION]";
 - (2) Section R103 shall be entitled "BUILDING OFFICIAL";
 - (3) Section R103.1 is deleted and a new Section R103.1 is adopted in lieu thereof as follows:

"R103.1 Building Official defined. The term "building official" or "building code official" as used in this code shall mean the Village of New Baden Chief Building and Zoning Official.";
 - (4) Sections R103.2 and R103.3 are deleted in their entirety;
 - (5) Section R108.6 is deleted and a new Section R108.6 is adopted in lieu thereof as follows:

"R108.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work.";
 - (6) Section R110 is deleted in its entirety;
 - (7) Section R112.1 is deleted and a new Section R112.1 is adopted in lieu thereof as follows:

"R112.1 Appeals. The Village of New Baden Zoning Board of Appeals shall hear any appeals of orders, decisions or determinations of the building official relative to the application and interpretation of this code. After such hearing the Zoning Board of Appeals shall issue an advisory report to the Village Board of Trustees. The Village Board of Trustees shall have final authority to act upon any appeals filed hereunder."
- (C) The Existing Building Code is hereby amended as follows:
- (1) Section 101.1 is hereby amended by substituting "the Village of New Baden, Illinois, for the words "[NAME OF JURISDICTION]";
 - (2) Section 101.4 is hereby amended by substituting "the National Electrical Code" for the words "the International Fire Code";
 - (3) Section 103 shall be entitled "BUILDING OFFICIAL";
 - (4) Section 103.1 is deleted and a new Section 103.1 is adopted in lieu thereof as follows:

"103.1 Building Official defined. The term "building official" or "building code official" as used in this code shall mean the Village of New Baden Chief Building and Zoning Official.";
 - (5) Sections 103.2 and 103.3 are deleted in their entirety;
 - (6) Section 108.6 is deleted and a new Section 108.6 is adopted in lieu thereof as follows:

"108.6 Refunds. No portion of any fee shall be returned to a

permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work.";

(7) Section 110 is deleted in its entirety;

(8) Section 112.1 is deleted and a new Section 112.1 is adopted in lieu thereof as follows:

"112.1 Appeals. The Village of New Baden Zoning Board of Appeals shall hear any appeals of orders, decisions or determinations of the building official relative to the application and interpretation of this code. After such hearing the Zoning Board of Appeals shall issue an advisory report to the Village Board of Trustees. The Village Board of Trustees shall have final authority to act upon any appeals filed hereunder.";

(9) Section 117 is deleted in its entirety.

(D) The Electrical Code is hereby amended as follows: Article 80 is deleted in its entirety. **(Ord. No. 710; 10-3-05)**

ARTICLE III – BUILDING AND ZONING FEES

6-3-1 **SCHEDULE OF FEES.** All fees below shall be paid to the Village Clerk at the time of submission of application or petition. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device. **In addition to the Village fees listed below, applicants shall be required to pay the prevailing filing fees assessed by the County Clerks for all applicable ordinances, fees assessed by Notary Publics, and cost of newspaper notices and mailings to surrounding property owners for required hearings.** At the time of submission of a permit application for any permit identified in subparagraphs (A), (B) or (C), the applicant shall pay an initial \$50.00 towards the cost of the permit. At the time the permit is issued, the applicant shall pay the remaining balance of the permit cost. If the permit is not issued within 60 days of the submission of the permit application, the \$50.00 shall be forfeited to the Village.

(A)

Building Permit Fees.

- (1) **All Buildings or Structures.** The fee for a building permit for all buildings, structures, or major new accessory uses shall be according to the following:

The General Rate of a particular building or structure shall be based on the lower of the reasonable appraised value as determined by the Chief Building and Zoning Official, using the current ICC Building Valuation Data Table or the reasonable cost as evidenced by present comparable additions, alterations or initial construction in the same area. A sales contract for an initial construction shall be evidence of the reasonable value if the amount is similar to present comparable constructions. In the event the labor is performed by the owner, the reasonable cost is estimated to be double the cost of materials involved.

The permit fee is determined using the building gross area, square foot construction cost, and the Permit Fee Multiplier (see below).

Formula: gross square feet x estimated building cost per square foot x permit fee multiplier

Permit Fee Multiplier

Residential	.25% (.0025)
Commercial < \$1 Million	.35% (.0035)
Commercial > \$1 Million	.30% (.0030)

- (2) Minor modifications and repairs to existing building/property (i.e. porches, decks, fences, utility sheds less than 160 square feet, above-ground swimming pools, roofs, dumpsters, and portable storage containers; said modifications to not change the dimension of the principal building, etc.) permit: \$50.00

(B)

Electrical Permit/Inspection Fees.

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|------------------------------------|----------|
| (1) Temporary | \$ 30.00 |
| (2) Residential | \$100.00 |
| (3) Multi-Family (per living unit) | \$100.00 |
| (4) Accessory (residential) | \$ 75.00 |

(5)	Commercial 200 amp	\$100.00
(6)	Commercial 400 amp	\$150.00
(7)	Upgrade Residential Service	\$ 50.00
(8)	Commercial 600 amp	\$200.00
(9)	Commercial 600 amp+	\$250.00
(10)	Commercial Multi-Phase	\$300.00
(11)	Accessory (commercial)	\$125.00

Applicants shall receive **one (1)** re-inspection at a rate of 50% of the original permit fee. The fee for any subsequent inspections shall be equal to the original permit fee.

(C) **Plumbing Permit Fees.**

(1)	Residential	\$120.00
(2)	Multi-Family (per living unit)	\$100.00
(3)	Accessory (residential)	\$ 75.00
(4)	Accessory (commercial)	\$150.00
(5)	Commercial/Industrial	\$250.00

Plus \$5.00 per fixture to include lavatories, sinks, water heaters, water closets, showers, bathtubs, urinals, dishwasher, gas furnace, gas stoves, air compressors, floor drains, and car wash equipment.

Applicants shall receive **one (1)** re-inspection at a rate of 50% of the original permit fee. The fee for any subsequent inspections shall be equal to the original permit fee. **(Ord. 2015-03-02-C, 3/2/2015)**

(D) **Miscellaneous Petition, Permit, and Review Fees.**

(1)	Variance	\$150.00 + cost of newspaper publication
(2)	Special Use Permit	\$50.00 + cost of newspaper publication
(3)	Zoning Decision Appeal	\$150.00
(4)	Zoning Amendment	\$100 + cost of newspaper publication
(5)	Planned Use (40-4-46)	\$300.00 + Site Plan Review Fee
(6)	PUD District (40-2-58)	\$500.00 + Site Plan Review Fee
(7)	Site Plan Review (40-3-46)	Minor: \$300.00 Major: \$500.00 + \$100.00 per acre above 5 acres
(8)	Occupancy Permit	\$50.00

Applicants shall receive one (1) re-inspection at a rate of \$25.00. The fee for any subsequent inspections shall be equal to the original permit fee. If property is occupied before a permit is issued the inspection fee will be \$100.00 and one (1) re-inspection fee of \$50.00. The fee for any subsequent inspections shall be equal to the original permit fee.

- (9) Sign Permit \$2.00 per square foot of the proposed gross sign area except that:
(A) Minimum fee for any sign permit shall be \$30.00;
(B) Fee for double faced sign shall be based on the area of the largest sign face
- (10) Demolition Permit \$100.00
- (11) Street Construction Inspection \$50.00 + \$10.00 per 100 lineal feet feet of inspection

(Ord. 2013-10-07-B, 10/07/2013)