

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING CITY CODE  
- CHAPTER 68 –  
-MECHANICAL CODE –**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,  
ILLINOIS:

Section 1. That Chapter 68 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended, effective February 1, 2020, by amending language to Sections 4, 8, 9, 13 and 14 reflecting the amendment. Said Sections 4, 8, 9, 13 and 14, as so modified and amended, shall provide as follows:

**4. BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Manager of Building Inspections or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or to the department of mechanical inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2005-10, February 21, 2005)

(Amended, Ordinance No. 2000-11, March 13, 2000)

**8. PERMIT REQUIRED.** It shall be unlawful to do mechanical work in the City unless and until permit for the same has been obtained when required by and issued in accordance with the provisions of the Building Code. All applications for building permits shall be accompanied by complete and finalized plans, specifications, and cost estimates.

**9. FEES REQUIRED.** No permit shall be issued except upon prior payment of the total building fees as set forth in Chapter 67, Section 9. The fee schedule set forth is cumulative, and is in addition to all other fees required by applicable provisions of the municipal code, unless specifically noted to the contrary.

**13. RE-INSPECTION FEES.** A re-inspection fee of \$45 shall be assessed against the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons: (1) The work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made; (2) The inspection reveals that the mechanical system has code violations due to: Mechanical equipment and appliances not being installed in accordance with manufacturer's installation instructions for the labeled equipment; or (3) the work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made.

If an inspection can be made, but 3 or fewer items are found which need correction to fully comply with the Mechanical Code, the permit applicant or licensed subcontractor shall be notified in writing by the Inspection Division of the corrections required, and a re-inspection fee of \$30.00 shall be assessed against the permit applicant or licensed subcontractor only when any subsequently requested inspection reveals that any of the previously noted code violations have not been corrected. (Amended, Ordinance No. 2000-26, April 17, 2000)

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section 11 of this Chapter. No Certificate of Occupancy shall be issued for any building for which re-inspection fees are unpaid.

**14. WITHHOLDING OF PERMITS.** Building permits may be withheld from a permit applicant, or in the case of combined permits from the licensed subcontractor, who is in violation of Chapters 67, 67.2, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought.

Such violation may include, but shall not be limited to the following:

- a. Failure to arrange for inspections required under Chapters 67, 67.2, 68, 69, and/or 70.1 of the City Code within a reasonable time frame.
- b. Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.
- c. Failure to pay required permit or re-inspection fees.
- d. Failure to obtain a building permit for work which required a building permit.
- e. Failure to take reasonable action to notify and obtain approval from the Inspections Division of changes made to approved building permits.
- f. Falsifying information on building permit applications.
- g. Performance of building permit work under an invalid or voided building permit.
- h. Failure to obtain a required Certificate of Occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or licensed subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or licensed subcontractor of the violations, which if corrected, will allow the City to issue to the permit applicant or licensed subcontractor additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed

subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

The withholding of permits as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

Section 2. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 6<sup>th</sup> day of January, 2020.

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JULIE MOORE WOLFE, MAYOR

ATTEST:

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CITY CLERK

PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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CITY CLERK

## **ADDITIONS AND DELETIONS**

### **- CHAPTER 68 – - MECHANICAL CODE –**

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Manager of Building Inspections or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or to the department of mechanical inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the ~~Economic and~~ Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2005-10, February 21, 2005)

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9. **FEES REQUIRED.** No permit shall be issued except upon prior payment of the total building fees as set forth in Chapter 67, Section 9. The fee schedule set forth is cumulative, and is in addition to all other fees required by applicable provisions of the municipal code, unless specifically noted to the contrary.

~~The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:—~~

~~\_\_\_\_\_ a. For all permits other than those specified herein said amount shall be based upon the value of the proposed work in the amounts as follows:~~

<del>_____</del> <del>WORK VALUE</del>	<del>FEE</del>
<del>_____</del> <del>\$0 - \$2,000</del>	<del>_____</del> <del>\$35</del>
<del>_____</del> <del>\$2,001 - \$3,000</del>	<del>_____</del> <del>\$45</del>

<del>_____</del> <del>WORK VALUE</del>	<del>FEE</del>
<del>_____</del> <del>\$3,001 - \$5,000</del>	<del>_____</del> <del>\$50</del>
<del>_____</del> <del>\$5,001 - \$1,000,000</del>	<del>_____</del> <del>\$50 Plus \$5 for each</del> <del>\$1,000 or fraction thereof</del> <del>over \$5,000</del>
<del>_____</del> <del>Over \$1,000,000</del>	<del>_____</del> <del>\$5,025 plus \$4 for each</del> <del>\$10,000 or fraction thereof</del> <del>over \$1,000,000</del>

~~\_\_\_\_\_ (Amended, Ordinance No. 2011-50, August 15, 2011)~~  
~~\_\_\_\_\_ (Amended, Ordinance No. 96-38, June 17, 1996)~~

~~\_\_\_\_\_ b. For permits to alter or repair one or two family residential accessory buildings, the amount shall be as follows:~~

<del>_____</del> <del>Furnace and/or air conditioning unit</del> <del>or equipment replacement or installation.....</del>	<del>_____</del> <del>\$35 per dwelling unit</del>
<del>_____</del> <del>Air conditioning add-on to existing</del> <del>mechanical.....</del>	<del>_____</del> <del>\$35 per dwelling unit</del>

~~\_\_\_\_\_ (Amended, Ordinance No. 2011-50, August 15, 2011)~~  
~~\_\_\_\_\_ (Amended, Ordinance No. 96-38, June 17, 1996)~~

~~\_\_\_\_\_ c. For permits to alter or repair mechanical work in other than one or two family residential structures or residential accessory buildings, the amount shall be as per work value listed in item (a) above, with a minimum fee of \$35.00.~~

~~\_\_\_\_\_ (Amended, Ordinance No. 2011-50, August 15, 2011)~~  
~~\_\_\_\_\_ (Amended, Ordinance No. 96-38, June 17, 1996)~~

~~———— d. For permits to install new mechanical work in new one or two family residential structures, room additions to such structures, or accessory buildings to such structures, the amount shall be included as part of a combined permit for building, electrical, mechanical, and plumbing and shall be included in the total fee as set forth in Chapter 67, Section 9 (c).~~

~~———— e. For permits to install new mechanical work in new buildings other than one or two family residential or residential accessory, the amount shall be per work value as listed in item (a) above.~~

13. **RE-INSPECTION FEES.** A re-inspection fee of ~~\$30.00~~ \$45 shall be assessed against the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons: (1) The work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made; (2) The inspection reveals that the mechanical system has code violations due to: Mechanical equipment and appliances not being installed in accordance with manufacturer's installation instructions for the labeled equipment; or (3) the work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made.

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- c. Failure to pay required permit or re-inspection fees.
- d. Failure to obtain a building permit for work which required a building permit.
- e. Failure to take reasonable action to notify and obtain approval from the Inspections Division of changes made to approved building permits.
- f. Falsifying information on building permit applications.
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