



VILLAGE OF MONTGOMERY

ORDINANCE NO. 2038

**AN ORDINANCE AMENDING CERTAIN NATIONAL CODES AND REPEALING AND
REESTABLISHING A NEW SECTION 6
OF THE VILLAGE OF MONTGOMERY CODE OF ORDINANCES
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

Passed by The President and Board of Trustees
of The Village of Montgomery, Kane and Kendall Counties, Illinois,
this 25th day of September 2023.

Published in Pamphlet form by Authority
of the President and Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties, Illinois,
this 25th day of September 2023

ORDINANCE NO. 2038

**AN ORDINANCE ADOPTING CERTAIN NATIONAL CODES AND REPEALING AND
REESTABLISHING A NEW SECTION 6
OF THE VILLAGE OF MONTGOMERY CODE OF ORDINANCES
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

WHEREAS, the Village of Montgomery ("Village") is not a home rule municipality within Article VII, Section 6A of the 1970 Constitution of the State of Illinois, and therefore, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Village has previously adopted the 2015 versions of the International Building Code, International Residential Code, International Property Maintenance Code, International Existing Building Code, International Mechanical Code, and International Fuel Gas Code, and,

WHEREAS, the Village has previously adopted the Illinois State Plumbing Code as well as various other regulations pertaining to building and permitting; and,

WHEREAS, the Village finds it necessary and in the best interest of the public to update and amend and update its ordinances from time to time; and,

WHEREAS, the Village now wishes to amend and update the certain provisions of Chapter 6 of the Village of Montgomery Code of Ordinances, as more specifically set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE:

Chapter 6 of the Village of Montgomery Code of Ordinances shall be repealed in its entirety and replaced as follows:

Chapter 6 – Buildings and Construction

Article I – In General

Sec. 6-1 – Building Codes – Adopted.

(a) **Adoption of the 2021 International Building Code.** Those certain documents, one (1) copy of which is on file with the Village Clerk's office, being marked and designated as the 2021 International Building Code, and all future editions thereof, be and are hereby adopted as the

building code of the Village of Montgomery, with the exception of Chapter 29, entitled "Plumbing Systems" subject to the local amendments set forth herein. Any and all references to the plumbing code or codes shall mean the State of Illinois Plumbing Code. The State of Illinois Plumbing Code is the only code that takes precedent.

(b) **Local Amendments.** The 2021 International Building Code is hereby amended as follows:

(1) **Section 101.1 Title** is hereby amended by replacing "[NAME OF JURISDICTION]" with "the Village of Montgomery."

(2) **Section 101.4 Referenced Codes** is hereby amended by adding the following subsection:

(3) **Section 101.4.3 Plumbing** is hereby amended by replacing "The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems" with "Private sewage disposal systems shall comply with the most current State of Illinois Plumbing Code, Kane County Health Department private sewage disposal requirements, and any applicable adopted Village of Montgomery ordinances and amendments" and by adding the following sentence: "All references to the International Plumbing Code shall be deemed to mean the State of Illinois Plumbing Code."

(i) **Section 101.4.8 Flood plain.** For buildings and structures located in whole or in part in flood hazard areas, as established on local floodway rate maps, the Kane County Stormwater Ordinance, FEMA, Village of Montgomery flood plain ordinance, and all applicable federal, state and locally adopted flood plain ordinances shall apply to flood plain construction.

(4) **Section 103.2 Appointment** is hereby amended by replacing "The building official shall be appointed by the chief appointing authority of the jurisdiction" with "the Director of Community Development or their designee shall serve as the Code Official for the Village of Montgomery."

(5) **Section 105.1.1 Annual Permit** shall be deleted in its entirety.

(6) **Section 105.1.1 Annual Permit Records** shall be deleted in its entirety.

(7) **Section 105.2 Work exempt from permit** is hereby amended by deleting items numbered Building 1, 2 3, 4, 5, 6, 9, 10 and 12.

(8) **Section 105.2 Work exempt from permit Building:**

- (i) ***Amend building exemption 1 as follows:*** One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor areas not greater than 50 square feet.
- (ii) ***Amend building exemption 2 as follows:*** Delete provision in its entirety and replace with "Existing permitted gates, and fences not exceeding 30% of the existing linear length, provided repairs or replacement is fabricated with materials of the same size and dimension."
- (9) ***Section 105.7 Placement of permit*** is hereby amended by deleting provision in its entirety and replacing with "The building permit card shall be kept on the site of the work and be visible from the street until such time as a certificate of occupancy permit has been issued, or a final inspection has been performed and approved."
- (10) ***Section 113.1 General*** is hereby amended by replacing "The board of appeals shall be appointed by the governing authority and shall hold office at its pleasure" with "The board of appeals shall consist of the Village Board of the Village of Montgomery."
- (11) ***Section 113.3 Qualifications*** shall be deleted in its entirety.
- (12) ***Section 406.3.2.1 Dwelling unit separation*** is hereby amended by replacing all references to "1/2-inch gypsum board" with "5/8-inch type X gypsum board."
- (13) ***Section 903.1.1 Alternative Protection*** is hereby deleted.
- (14) ***Section 903.2.1.1 Group A-1*** is hereby amended by removing the four (4) conditions and replacing with the following: (1) The building exceeds five thousand (5,000) square feet, or, (2) The building has an occupant load of one hundred (100) or more.
- (15) ***Section 903.2.1.2 Group A-2*** is hereby amended by removing the four conditions and replacing with: (1) The building exceeds 5,000 square feet, or, (2) The building has an occupant load of 100 or more.
- (16) ***Section 903.2.1.3 Group A-3*** is hereby amended by removing the four (4) conditions and replacing with the following: (1) The building exceeds five thousand (5,000) square feet, or, (2) The building has an occupant load of one hundred (100) or more.
- (17) ***Section 903.2.1.4 Group A-4*** is hereby amended by removing the four (4) conditions and replacing with the following: (1) The building exceeds five thousand (5,000) square feet, or, (2) The building has an occupant load of one hundred (100) or more.
- (18) ***Section 9.03.2.1.5 Group A-5*** is hereby amended to read as follows: An automatic sprinkler system shall be provided for all Group A-5 accessory use buildings when one (1) of the

following exists: (1) The building exceeds five thousand (5,000) square feet, or, (2) The building has an occupant load of one hundred (100) or more.

(19) **Section 903.2.1.6 Assembly occupancies on roofs** is hereby amended by changing three hundred (300) for Group A occupancies to one hundred (100).

(20) **Section 903.2.3 Group E** is hereby amended to read as follows: An automatic sprinkler system shall be provided for Group E occupancies as follows: (1) The building exceeds two thousand five hundred (2,500) square feet, or, (2) The building has an occupant load of one hundred (100) or more.

(21) **Section 903.2.4 Group F-1** is hereby amended to read as follows: Group F-1 and F-2. An automatic sprinkler system shall be provided throughout all buildings containing Group F-1 or F-2 occupancy where one (1) of the following exists: (1) The building exceeds five thousand (5,000) square feet, or, (2) The building exceeds more than two (2) stories above the lowest level fire department access.

(22) **Section 903.2.4.1 Woodworking operations** is hereby amended to read as follows: An automatic sprinkler system shall be provided throughout the buildings with an F-1 occupancy that contains woodworking operations in excess of two thousand five hundred (2,500) square feet that generates finely divided combustible waste or uses finely divided combustible materials.

(23) **Section 903.2.4.2 Group F-1 distilled spirits** is hereby amended to read as follows: An automatic sprinkler system shall be provided throughout buildings with a Group F-1 occupancy used for the manufacture of distilled spirits.

(24) **Section 903.2.4.3 Group F-1 upholstered furniture or mattresses** is hereby amended to read as follows: An automatic sprinkler system shall be provided throughout buildings with a Group F-1 occupancy that exceeds two thousand five hundred (2,500) square feet used for the manufacture of upholstered furniture or mattresses.

(25) **Section 903.2.6 Group I** is hereby amended by changing "fire area" to "occupancy" and by deleting the exceptions.

(26) **Section 903.2.7 Group M** is hereby amended by removing the three (3) conditions and replacing with: (1) The building exceeds five thousand (5,000) square feet, or, (2) The building exceeds more than two (2) stories above the lowest level of fire department access.

(27) **Section 903.2.8 Group R** is hereby amended by changing "fire area" to "occupancy."

(28) **Section 903.2.9 Group S-1** is hereby amended to read as follows: Group S-1 or S-2. An automatic sprinkler system shall be provided throughout all building containing Group S-1 or S-2 occupancies when one (1) of the following conditions exist: (1) The building exceeds five thousand (5,000) square feet; (2) The building exceeds more than two (2) stories above the lowest level of fire

department access; or (3) Throughout buildings containing a Group S-1 or S-2 occupancy used for the storage of commercial motor vehicles which exceeds five thousand (5,000) square feet.

(29) **Section 903.2.9.1 Repair garages** is hereby amended to read as follows: An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 906.8 of the International Building Code as shown: (1) Buildings containing repair garages exceeding five thousand (5,000) square feet; (2) Buildings with repair garages servicing vehicles parked in basements; (3) Throughout buildings containing a Group S-1 or S-2 occupancy used for the repair of commercial motor vehicles which exceeds five thousand (5,000) square feet.

(30) **Section 903.2.9.3 Group S-1 distilled spirits or wine** is hereby amended to read as follows: An automatic sprinkler system shall be provided throughout buildings with a Group S-1 occupancy used for the bulk storage of distilled spirits or wine.

(31) **Section 903.2.9.4 Group S upholstered furniture and mattresses** is hereby amended to read as follows: An automatic sprinkler system shall be provided throughout buildings with a Group S-1 occupancy with an area used for storage of upholstered furniture or mattresses exceeds two thousand five hundred (2,500) square feet and by deleting the exception.

(32) **Section 903.2.10 Group S-2 parking garages** is hereby amended by replacing the three (3) exceptions and replacing with: (1) Building containing an enclosed parking garage exceeding five thousand (5,000) square feet; (2) Throughout buildings with enclosed parking garages located beneath other groups; or, (3) Throughout buildings containing open parking garages which exceed five thousand (5,000) square feet.

(33) **Section 903.2.10.1 Commercial parking garages** is hereby amended by changing "fire area" to "building."

(34) **Section 903.2.11.3 Buildings 55 feet or more in height** is hereby amended by deleting the exception.

(35) **Section 903.2.13** is hereby amended by adding the following section: **Group U.** An automatic sprinkler system shall be provided throughout buildings containing a Group U occupancy where the following condition exists: 1. Where the building exceeds five thousand (5,000) square feet.

(36) **Section 903.2.14** is hereby amended by adding the following section: **Group B** An automatic sprinkler system shall be provided for Group B occupancies where one (1) of the following conditions exist: (1) The building exceeds five thousand (5,000) square feet; (2) The building has an occupant load of one hundred (100) or more; or, (3) The building exceeds two (2) stories in height.

(37) **Section 903.3.1.1.1 Exempt locations** Delete item #3 and item #4.

(38) **Section 903.4 Sprinkler system supervision and alarms** Exceptions, Items #3 through #8 are hereby deleted.

(39) **Section 905.3 Required Installations** is hereby amended by deleting the exception.

(40) **Section 905.3.1 Height** is hereby amended to read as follows: Class II standpipe systems shall be installed throughout buildings where the floor level of the highest story is three (3) stories with corridors more than twenty-five (25) feet and all buildings which are four (4) or more stories in height, including penthouses.

(41) **Section 905.13 Additional Standpipe** is hereby amended by adding the following section: Additional standpipe connections where required. Additional standpipe connections shall cover all areas of the building with one hundred (100) feet of hose and a thirty (30) foot spray of water.

(42) **Section 907.2 Where required- new buildings and structures** is amended to read as follows: An approved manual and automatic fire alarm system, installed in accordance with the provisions of this code and NFPA 72, shall be provided in any new building or any addition to an existing building where the aggregate square footage of the building exceeds the following: (1) All buildings or additions two thousand (2,000) square feet and over. (2) All buildings which have a sprinkler system or any automatic suppression system. (3) When required, both the new addition and existing building shall have an automatic and manual fire alarm system. (4) Exception: One-and two-family dwellings under the International Residential Code.

(43) **Section 907.2.1 Group A** is hereby amended by deleting the exception.

(44) **Section 907.2.2 Group B** is hereby amended by deleting the conditions.

(45) **Section 907.2.2.1 Ambulatory care facilities** is hereby amended by deleting the exception.

(46) **Section 907.2.3 Group E** is hereby amended by deleting the exceptions.

(47) **Section 907.2.4 Group F** is hereby amended by deleting the exceptions.

(48) **Section 907.2.6.1 Group I-1** is hereby amended by deleting exception #1.

(49) **Section 907.2.7 Group M** is hereby amended by deleting the exceptions.

(50) **Section 907.2.8.1 Manual fire alarm system** is hereby amended by deleting the exceptions.

(51) **Section 907.2.8.2 Automatic smoke detection system** is hereby amended by deleting the exceptions.

(52) **Section 907.2.9.1 Manual fire alarm system** is hereby amended by deleting the exceptions.

(53) **Section 907.2.9.3 Group R-2 college and university buildings** is hereby amended by deleting the exception.

(54) **Section 907.2.10 Group S** is hereby amended by deleting the exception.

(55) **Section 907.2.24** is hereby amended to add the following section: **Attached single family.** An automatic fire alarm detection system shall be installed in accordance with NFPA 72 and section 907.2 as amended, in multiple attached single-family dwellings (i.e., townhouses dwellings) if the building contains three (3) or more units.

(56) **Section 912.2.3** is hereby amended by adding the following section: **Distance to fire hydrants** shall have a fire hydrant within fifty (50) feet of a fire department connection.

(57) **Section 912.8** is hereby amended by adding the following section. **Fire department connection.** The fire department connection shall be a 4-inch storz with a 30-degree downward angle unless otherwise approved by the fire official

(58) **Section 1009.2.1 Elevators required** is hereby amended to add the following exception:

1. In buildings where a corridor of greater than 25' in length on the 2nd or 3rd story exist.

(59) **Subsection 1101.2 Design** Add the language: "Compliance with the current edition of the Illinois Accessibility Code is required."

(60) **Section 1612.3 Establishment of flood hazard areas** is hereby amended by replacing "[INSERT NAME OF JURISDICTION]" with "the Village of Montgomery" and "[INSERT DATE OF ISSUANCE]" with "most recent."

(61) **Section 1612.3 Establishment of flood hazard areas.** Section 1612.3 is hereby amended by inserting "Kane/Kendall County, Illinois" for name of jurisdiction and "current edition" for the date of issuance.

(62) **Section 1612.4 Design and construction** is hereby amended by adding the following "the Kane County storm water ordinance, FEMA, Village of Montgomery flood plain ordinance, and all applicable federal, state, and locally adopted flood plain ordinances."

(63) **Section 1807.1.4 Permanent wood foundation systems** shall be deleted in its entirety.

(64) **Section 1809.12 Timber footings** shall be deleted in its entirety.

(65) **Chapter 1810.3.2.4 Timber** shall be deleted in its entirety.

(66) **Chapter 29 Plumbing systems.** Delete this chapter in its entirety, the provisions of the Illinois Plumbing Code shall govern the erection, installation, alteration, repairs, relocations, replacement, addition to, use or maintenance of plumbing equipment and systems.

(67) **SECTION 3000-** Elevators and conveying systems and all other sections and referenced codes regarding elevators and related equipment, if applicable.

(68) **Table 3001.3 Elevators and conveying systems and components** is hereby amended by removing automotive lifts from the table.

(69) **Section 3002.4 Elevator Car to Accommodate Ambulance Stretcher is hereby amended to read:** "Where elevators are provided in buildings, not fewer than one elevator, shall be provided for fire department emergency access to all floors regardless of rise.

Such elevator car shall be of such size and arrangement to accommodate a minimum 24 inch by 84-inch ambulance stretcher in the horizontal open position and shall be identified by the International Symbol for emergency medical services (Star of Life).

The symbol shall not be less than 3 x 3 inches high and wide (76 mm x 76 mm) and shall be placed inside on both sides of the main lobby hoist way door frame.

Note: As per IBC, this is required for buildings which are 4 floors or higher. This change would be required regardless of floors."

(70) **Section [F] 3003.3 Standardized fire service elevator keys** is hereby amended by adding the following after International Fire Code: "for new and modernized elevators only."

(71) **Section 3004.4 Personnel and material hoists** is hereby amended by adding the following in last sentence: "a jump" before "a major alteration" Add new sentence: "All miscellaneous hoisting and elevating equipment shall be subjected to tests and inspections as required by the AHJ to ensure safe operation."

(72) **Section 3005.1 Access** is hereby amended by adding the following: "This means is not to be used as a passage way through the space to other areas of the building."

(73) **Section 3005.4 Machine rooms, control rooms, machinery spaces, and control spaces** is hereby amended by deleting exception #2 in its entirety.

(74) **Section 3009 Certificate of Compliance** is hereby amended by adding a new section and subsections:

(75) **Section 3009.1 Compliance Testing:** The operation of all equipment governed by the provisions of this chapter and hereafter installed, relocated or altered shall be unlawful by persons other than the installer until such equipment has been inspected and tested as herein required and a final certificate of compliance has been issued by the AHJ.

(76) **Section 3009.2 Posting Certificates of Compliance:** The owner or lessee shall post the current-issued certificate of compliance in a conspicuous place inside the conveyance. A copy of

the current issued certificate is acceptable. Please refer to Illinois Elevator Safety Act.

(77) **Section 3305.1 Toilet facilities required.** Delete reference to the International Plumbing Code and replace with portable toilet facilities conformance with ANSI Z4.3.

Sec. 6-1.1. – Reserved

Section 6-1.1, including the heading and reservation, shall be deleted in its entirety.

Section 6-2 – Residential Code – Adopted

(a) **Adoption of the 2021 International Residential Code.** That certain document, one (1) copy of which is on file with the Village Clerk's office, being marked and designated as the 2021 International Residential Code, and all future editions thereof, shall be and is hereby adopted as the Residential Code of the Village of Montgomery, subject to the local amendments set forth herein.

(b) **Local Amendments.** The 2021 International Residential Code is hereby amended as follows:

(1) **Section R101.1 Title** is hereby amended by replacing "[NAME OF JURISDICTION]" with "the Village of Montgomery."

(2) **Section R102.4 Referenced codes and standards** is hereby amended by adding the following sentence: "All references to the International Plumbing Code shall be deemed to mean the State of Illinois Plumbing Code."

(3) **Section R105.2 Work exempt from permit** is hereby amended by entirely deleting items numbered Building: 1, 2, 3, 4, 5, 9 and 10.

(4) **Section R 105.2.3 Public service agencies** shall be deleted in its entirety.

(5) **Section R105.7 Placement of permit** shall be deleted in its entirety and replaced with "The building permit placard shall be posted on the site of the work and be visible from the street until such time as a certificate of occupancy permit has been issued, or a final inspection has been performed and approved."

(6) **Section R109.1.1 Foundation inspection.** Delete from the last sentence the wording "and special requirements for wood foundations."

(7) **Section 109.1.1.2** is hereby amended by adding the following section:

Survey. Upon completion of the foundation walls and any structural elements which are necessarily part of the construction of the foundation walls, and before proceeding with further construction, the applicant shall file a survey prepared, signed, and sealed by an Illinois professional land surveyor, showing the location of the structure and the elevation of the top of the foundation walls at all four corners, or the average top of foundation for which a permit has been issued. At completion of the

project an As-Built survey shall be submitted, signed, and sealed by an Illinois licensed engineer for approval.

(8) **Section R112.1 - General** shall be deleted in its entirety and replaced with: "In order to hear and decide appeals of orders, decisions or determinations made by the Chief Code Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Village of Montgomery Board shall be the board of appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure.

(9) **Section R112.3 Qualifications** is hereby amended by deleting the entire section.

**TABLE R301.2
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDER- LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	SPEED (MPH)	TOPOGRAPHIC EFFECTS	SPECIAL WIND REGIONS	WIND- BORNE DEBRIS ZONE		WEATHERING	FROST LINE DEPTH	TERMITE					
25	115	NO	NO	NO	B	SEVERE	42"	MODERATE TO HEAVY	-4	YES	LOCAL/ COUNTY ORDINANCE	2000	50
MANUAL J DESIGN CRITERIA^a													
Elevation	Altitude correction factor ^a	Coincident wet bulb	Indoor winter design dry-bulb temperature		Indoor winter design dry- bulb temperature		Outdoor winter design dry-bulb temperature		Heating temperature difference				
663	1.00	74	70		70		1		69				
Latitude	Daily range	Indoor summer design relative humidity	Indoor summer design relative humidity		Indoor summer design dry-bulb temperature		Outdoor summer design dry-bulb temperature		Cooling temperature difference				
42	M	50	50		75		88		13				

(10) **Section R301.2.4 Floodplain construction** is hereby amended by adding the following: "the Kane County Storm Water Ordinance, FEMA, Village of Montgomery Flood Plain Ordinance, and all applicable federal, state, and locally adopted flood plain ordinances."

(11) **Section R302.2 Townhomes** is hereby amended by adding the following: "Common walls separating townhouses shall be not less than 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 and shall be equipped with a NFPA-13R fire suppression system.

(12) **Section R302.2.2 Common walls** is hereby amended by entirely deleting items 1 and

2.

(13) **Section R302.3 Two-family dwellings** is hereby amended by replacing "1-hour fire-resistance rating" with "2-hour fire-resistance rating" and deleting exceptions 1 and 2 in their entirety.

(14) **Section R302.6 Dwelling-garage fire separation** is hereby amended by deleting "The wall separation provisions of Table R702.6 shall not apply to garage walls that are perpendicular to the adjacent dwelling unit wall" and adding the following sentence: "All gypsum board applied to the garage side shall be taped with a minimum one coat of approved joint tape and compound."

(15) **Table R302.6 Dwelling-Garage Separation** is hereby amended by replacing all references to "1/2-inch gypsum board" with "5/8-inch type X gypsum board" and replacing "3 feet" with "10 feet."

(16) **Section R303.3 Bathrooms** is hereby amended by entirely deleting the exception and replacing with "Exception: The glazed area shall not be required where artificial light and mechanical ventilation systems are provided. The minimum ventilation rates shall be 50 cfm for intermittent ventilation of 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the exterior of the structure by means of either the soffit area with an approved connection to the soffit or through the roof with an insulated (R-3) duct and approved roof fitting."

(17) **Section R309.5 Fire Sprinklers** shall be deleted in its entirety.

(18) **Section R310.2.3 Maximum height from floor** is hereby amended by replacing "44 inches (1118 mm)" with "36 inches (914 mm)".

(19) **Section R310.4.2 Ladder and steps** is hereby amended by replacing "44 inches" with "36 inches."

(20) **Section R313.2 One- and two-family dwellings automatic sprinkler systems** is hereby amended by entirely deleting.

(21) **Section R314.1 General** is hereby amended by adding "and the Illinois Smoke Detector Act (425 ILCS 60/)."

(22) **Section R315.1 General** is hereby amended by adding "and the Illinois Carbon Monoxide Alarm Detector Act (430 ILCS 135/)."

(23) **Section R322.1 General** is hereby amended by adding the following: "the Kane County Storm Water Ordinance, FEMA, Village of Montgomery Flood Plain Ordinance, and all applicable federal, state, and locally adopted flood plain ordinances."

(24) **Section R326 Swimming pools, spas, and hot tubs** shall be deleted in its entirety.

(25) **Section R401.1 Application** shall be deleted in its entirety and replaced with: "The provisions of this chapter shall control the design and construction of the foundation and foundation spaces of all buildings and structures. Wood foundations are prohibited."

(26) **Section R402.1 Wood foundations and all subsections** shall be deleted in their entirety.

(27) **Section R403.1 General** is hereby amended by deleting the words "wood foundations" in the first sentence.

(28) **Section R403.2 Footings for wood foundations** shall be deleted in its entirety.

(29) **Section R404.2 Wood foundation walls and all subsections** shall be deleted in their entirety.

(30) **Table R404.2.3 Plywood grade and thickness for wood foundation construction** shall be deleted in its entirety.

(31) **Section R405.1 Foundation drainage** is hereby amended by deleting the exception.

(32) **Section R405.2 Wood foundations and all subsections** shall be deleted in their entirety.

(33) **Section R406.3 Dampproofing for wood foundations and all subsections** shall be deleted in their entirety.

(34) **Section R408 Under-floor space** is hereby amended by adding the following subsection:

(35) **Section R408.9 Crawl space floor.** In all crawl space areas, a minimum of a 2-inch-thick slush coat of poured concrete shall be installed over a minimum of 4-inches of stone in the crawl space, with a minimum of a six (6) mil thick polyethylene film moisture barrier with all joints lapped a minimum of 6-inches.

(36) **Section 504 Pressure preserved treated wood floors (on ground)** shall be deleted in its entirety.

(37) **Section R506.1 General** is hereby amended by replacing "3.5 inches" with "4 inches" and adding the following sentence: "Concrete slab on-ground floors for garage floors shall include a minimum of 6×6-10×10 welded wire fabric embedded in the mid cross section of the slab or fiber mesh reinforcing."

(38) **Chapter 11 Energy efficiency** shall be deleted in its entirety and replaced with: "The Energy Conservation Code most currently adopted by the State of Illinois and any adopted Village

of Montgomery amendments."

(39) ***Part VIII Electrical*** shall be deleted in its entirety and replaced with: Reference Chapter 7, Section 7-1 of the Village of Montgomery Code of Ordinances for specific electrical codes.

(40) ***Chapters 25 through 33 Plumbing*** shall be deleted in their entirety and replaced with "The Plumbing Code most currently adopted by the State of Illinois and any adopted Village of Montgomery amendments."

(41) ***Chapters 34 through 40 Electrical*** are hereby amended by entirely deleting and replacing with: Reference Chapter 7 of the Municipal Code for specific electrical codes.

(42) ***Chapter 43 Class 2 Remote-control*** is hereby deleted in its entirety.

Section 6-3 – Property Maintenance Code – Adopted.

(a) **Adoption of 2021 International Property Maintenance Code.** That a certain document entitled "2021 International Property Maintenance Code" published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, one copy of which is on file at the building division of the Community Development Department of the Village of Montgomery, is hereby adopted as the "Building Code" for the Village of Montgomery for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of every building or structure or any appurtenances connected or attached to such buildings or structures in the Village of Montgomery as provided; and each and all of the regulations, provisions, penalties, conditions and terms of said 2021 International Property Maintenance Code are adopted and made a part hereof, as if fully set out in the Code, with the additions, insertions, deletions, and changes prescribed in this section.

(b) **Local Amendments.**

(1) ***Section 101.1 Title*** is hereby amended by replacing, "[NAME OF JURISDICTION]" with, "the Village of Montgomery".

(2) ***Section 102.3 Application of other codes*** is hereby amended by replacing, "International Plumbing Code" with, "State of Illinois Plumbing Code".

(3) ***Section 102.8 Referenced codes and standards*** is hereby amended by adding the following sentence: "All references to the International Plumbing code shall be deemed to mean the Illinois Plumbing Code."

(4) ***Section 103.1 Creation of agency.*** Is hereby amended by replacing "[INSERT NAME OF DEPARTMENT]" with "Village of Montgomery"

(5) ***Section 103.2 Appointment*** is hereby amended by replacing, "The Code Official

shall be appointed by the chief appointing authority of the jurisdiction." with, "The Director of Community Development or their designee shall serve as the Code Official for the Village of Montgomery."

(6) **Section 302.4 Weeds** is hereby amended by replacing: "[JURISDICTION TO INSERT HEIGHT IN INCHES]" with, "eight (8) inches in height as per Section 18½-31 of the Village Code of Ordinances, as may be amended from time to time."

(7) **Section 304.14 Insect screens** is hereby amended by replacing: "from [DATE] to [DATE]" with, "from April 1 to November 1".

(8) **Section 307.1 General** is hereby amended by entirely deleting and replacing with the following: "Every exterior and interior flight of stairs having more than three risers shall have a handrail on one side of the stair, continuous the full length of the stairs. Ends shall return, or terminate in a newel post or safety terminals. Every open portion of a stair, landing, balcony, porch, ramp, deck, or other walking surface, which is more than 30 inches (762 mm) above the floor or grade below, shall have guards. Handrails shall not be less than 34 inches high or more than 38 inches measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, ramp, or other walking surface."

(9) **Section 404.4.4 Prohibited occupancy** is hereby amended by entirely deleting and replacing with, "Kitchens, closets and storage rooms, dens, hallways, stairs, utility rooms, laundry rooms, toilet rooms, bathrooms, garages, accessory buildings, attics, crawl spaces, uninhabitable spaces, interior public areas, and rooms not designated or intended as sleeping rooms or bedrooms shall not be occupied for sleeping rooms."

(10) **Section 501.1 Scope** is hereby amended by adding: "and the Illinois Plumbing Code" after, "The provisions of this chapter".

(11) **Section 602.3 Heat Supply** is hereby amended by replacing "from [DATE] to [DATE]" with, "from September 1 to May 1".

(12) **Section 602.4 Occupiable work spaces** is hereby amended by replacing "from [DATE] to [DATE]" with, "from September 1 to May 1".

(13) **Section 701.1 Scope** is hereby amended by adding "and the International Fire Code" after, "The provisions of this chapter".

(14) **Section 702.3 Locked Doors** is hereby amended by adding the following sentence: "Doors providing access to a sleeping room in a dwelling unit shall not have any locks, padlocks, hasps, or other locking devices which are not an integral part of the knob assembly."

Section 6-4 – International Existing Building Codes- Adopted

(a) **Adoption of 2021 International Existing Building Code.** Those certain documents, one (1) copy of which is on file in the Village Clerk's office, being marked and designated as the 2021 International Existing Building Code, and all future editions thereof, be and are hereby adopted as the existing building code of the Village, subject to the local amendments set forth herein.

(b) **Amendments.** The 2021 International Existing Building Code is hereby amended as follows:

(1) **Section 101.1 Title** is hereby amended by replacing "[NAME OF JURISDICTION]" with "the Village of Montgomery."

(2) **Section 105.2 Work exempt from permit** is hereby amended by deleting numbers 1, 5, and 6 in their entirety.

(3) **Section 105.7 Placement of permit** is hereby amended by deleting the section in its entirety and replacing with the following: "The building permit placard shall be posted on the site of the work and be visible from the street until such time as a certificate of occupancy permit has been issued, or a final inspection has been performed and approved."

(4) **Section 112.1 General** is hereby amended by deleting the section in its entirety and replacing with the following: "In order to hear and decide appeals of orders, decisions or determinations made by the Chief Code Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Village of Montgomery Village Board shall be the board of appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure."

(5) **Section 112.3 Qualifications** shall be deleted in its entirety.

(6) **Section 302.2 Additional Codes** is hereby amended by replacing "International Plumbing Code" with "the provisions of the Illinois Plumbing Code shall govern the erection, installation, alteration, repairs, relocations, replacement, addition to, use or maintenance of plumbing equipment and systems." "International Private Sewage Disposal Code" shall be deleted in its entirety.

Section 6-5 – International Mechanical Code – Adopted

(a) **Adoption of 2021 Mechanical Code.** Those certain documents, one (1) copy of which is on file in the Village Clerk's office, being marked and designated as the 2021 International Mechanical Code, and all future editions thereof, be and are hereby adopted as the mechanical code of the village, subject to the local amendments set forth herein.

(b) **Amendments.** The 2021 International Mechanical Code is hereby amended as follows:

(1) **Section 101.1 Title** is hereby amended by replacing, "[NAME OF JURISDICTION]" with "the Village of Montgomery".

(2) **Section 102.8 Referenced codes and standards** is hereby amended by adding the following sentence: "All references to the International Plumbing code shall be deemed to mean the Illinois Plumbing Code."

(3) **Section 103.1 Creation of Agency** Is hereby amended by replacing "[NAME OF DEPARTMENT]" with "Community Development Department"

(4) **Section 103.2 Appointment** is hereby amended by replacing, "The Code Official shall be appointed by the chief appointing authority of the jurisdiction." with, "The Director of Community Development or their designee shall serve as the Code Official for the Village of Montgomery."

(5) **Section 114.1 General** is hereby amended by adding the following sentence: "The Board of Appeals shall consist of the Montgomery Village Board".

(6) **Section 115.4 Violation Penalties** is hereby amended by entirely deleting and replacing with "The fines shall be established by the Montgomery Village ordinance fee schedule".

(7) **Section 303.3 Prohibited locations** is hereby amended by adding the following subsection:

(8) **303.3.1 Residential occupancies.** Units designed to condition habitable spaces of the homes shall not be located in a garage, except as permitted by section 303.3 exception #3".

Section 6-6 – Fuel Gas Code – Adopted

(a) **Adoption of 2021 Fuel Gas Code.** That certain document, one copy of which is on file in the village clerk's office, being marked and designated as the 2021 International Fuel Gas Code, and all future additions thereof, be and is hereby adopted as the fuel gas code of the village, subject to the local amendments set forth herein. Any and all reference to the plumbing code or codes shall mean the State of Illinois Plumbing Code. The State of Illinois Plumbing Code is the only Code that takes precedent.

(b) **Amendments.** The 2021 International Fuel Gas Code shall hereby be amended as follows:

(1) **Section 101.1 Title** is hereby amended by replacing, "[NAME OF JURISDICTION]" with, "the Village of Montgomery".

(2) **Section 102.8 Referenced codes and standards** is hereby amended by adding the following sentence: "All references to the International Plumbing code shall be deemed to mean the Illinois Plumbing Code."

(3) **Section 103.1 Creation of agency** is hereby amended by replacing [INSERT NAME OF DEPARTMENT] with Community Development Department.

(4) **Section 103.2 Appointment** is hereby amended by replacing, "The Code Official shall be appointed by the chief appointing authority of the jurisdiction." with "The Director of Community Development or their designee shall serve as the Code Official for the Village of

Montgomery."

(5) **Section 115.4 Violation Penalties** is hereby amended by entirely deleting and replacing with "The fines shall be established by the Montgomery Village ordinance fee schedule".

(6) **Section 303.3 Prohibited locations** is hereby amended by adding the following subsection:

(7) **303.3.2 Residential occupancies.** Units designed to condition habitable spaces of the homes shall not be located in a garage, except as permitted by section 303.3 exception #3.

(8) **Section 403.3.3 Copper and copper alloy** shall be deleted in its entirety.

(9) **Section 403.3.4 Aluminum** shall be deleted in its entirety.

(10) **Section 403.4 Metallic tubing** shall be deleted in its entirety.

Section 6-7- Swimming Pool and Spa Code – Adopted

(a) **Adoption of 2021 Swimming Pool and Spa Code.** That certain document, one copy of which is on file in the village clerk's office, being marked and designated as the 2021 International Swimming Pool and Spa Code, and all future additions thereof, be and is hereby adopted as the fuel gas code of the village, subject to the local amendments set forth herein. Any and all reference to the plumbing code or codes shall mean the State of Illinois Plumbing Code. The State of Illinois Plumbing Code is the only Code that takes precedent.

(b) **Amendments.** The 2021 International Swimming Pool and Spa Code shall hereby be amended as follows:

(1) **101.1 Title.** These regulations shall be known as the Swimming pool and Spa Code of Village of Montgomery hereinafter referred to as "this code"

(2) **103.1 Creation of Agency.** Is hereby amended by replacing " [NAME OF JURISDICTION]" with "the building department"

(3) **111.1 General** is hereby amended by entirely deleting this section and inserting: In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Village of Montgomery Village Board shall be the board of appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure.

(4) **112.1 Membership of board.** Is hereby deleted and replaced with "The Board of Appeals shall consist of the Montgomery Village Board."

(5) **113.4 Violation penalties.** Any person to violate a provision of this code shall be penalized according to Section 1-10 of the Montgomery Village Code.

- (6) **305.2.4 Mesh fence as a barrier.** Is hereby amended to delete this section.
- (7) **305.2.4.1 Setback for mesh fences.** Is hereby amended to delete this section.
- (8) **305.2.7 Chain link dimensions.** Is hereby amended to delete this section.
- (9) **305.4 Structure wall as a barrier.** Is hereby amended to delete this section.

Sections 6-8 - 6-11. Reserved.

Section 6-12 – Illinois State Plumbing Code – Adopted.

(a) **Adoption of the Illinois State Plumbing Code.** The Illinois State Plumbing Code, as promulgated by the Illinois Department of Public Health, and any subsequent amendments adopted by the department thereto, is hereby adopted for the purpose of establishing rules and regulations for the materials, construction, alteration and inspection of all plumbing placed in or in connection with any building within the Village. The same is adopted in its entirety, save and except such portions as are hereinafter amended, and is, together with such amendments, incorporated as fully as if set out at length herein, and shall control in the installation and maintenance of plumbing systems within the Village. Said plumbing code, as modified and amended, may be referred to for all purposes as the "Montgomery Plumbing Code" or the "plumbing code". At least one (1) copy of said code, including such amendments to it as shall hereinafter be enacted, shall be filed in the office of the Village Clerk, with additional copies available in the code enforcement department of the Village.

(b) **Definitions.** For the purposes of the plumbing code, the following words and phrases shall be the meanings respectively ascribed to them by this section:

- (1) ***Building official.*** The building superintendent of the Village.
- (2) ***Department.*** The building department of the Village.

(c) **Amendments.** The amendments to the Illinois State Plumbing Code as referred to in section 6-12 are the following:

- (1) ***Section 890. Appendix A, Table A,*** is hereby amended as follows:

- (i) By deleting item number 1 (ABS Pipe and Fittings) and number 17 (Steel) in Table A, Approved Building Drainage/Vent Pipe, and by adding the following note at the end of the table:

"Items listed in numbers 2 (Brass Pipe), 4 (Copper/Copper Alloy Pipe), 5 (Copper/Copper Alloy Tubing (K-L-M or DWV)), 6 (Galvanized Steel Pipe), 7 (Glass Fiber Borosilicate Pipe), and 11 (Polyvinyl Chloride (PVC) Pipe with ASTM F89M996 Cellular Core) are permitted for above ground uses only. With the exception that number 10 (Polyvinyl Chloride (PVC) Pipe and Fittings) may be used underground in single and multi-family residences, and all kitchen waste grease lines."

(ii) By deleting item numbers 1 (ABS Pipe and Fittings), 2 (Brass pipe), 4 (Copper/Copper Alloy pipe), 5 (Copper/Copper Alloy Tubing (K-L-M or DWV)), 7 (Glass Fiber Borosilicate Pipe), 8 (High Silicon Content Cast Iron Pipe), and 9 (Polypropylene Pipe) in Table A, Approved Materials for Building Sewer. (Only materials approved by Fox Metro may be used.)

(iii) By deleting item numbers 1 (ABS Pipe and Fittings), 2 (Brass pipe), 4 (Copper/Copper Alloy pipe), 7 (Glass Fiber Borosilicate Pipe), 8 (High Silicon Content Cast Iron Pipe), 9 (Polypropylene Pipe), 10 (Polyvinyl Chloride (PVC) Pipe and Fittings), 11 (Polyvinyl Chloride (PVC) Pipe with ASTM F89M996 Cellular Core) and 13 (Solder) in Table A, Approved Materials for Water Service Pipe.

(iv) By deleting item numbers 2 (Brass pipe), 5 (Copper/Copper Alloy Tubing (K-L-M or DWV)), 7 (Glass Fiber Borosilicate Pipe), and 8 (High Silicon Content Cast Iron Pipe) in Table A, Approved Materials for Water Distribution Pipe, and by adding the following note at the end of the table:

"The materials listed in item numbers 3 (Cast Iron Pipe) and 4 (Copper/Copper Alloy Pipe) above shall be a type L copper. (Type M copper for residential only.)"

(2) **Section 890.1130(c)** is hereby amended by adding the following sentence:

"A backflow prevention device shall be installed, in accordance with Environmental Protection Agency regulations, specifically 111. Admin. Code, Title 35, Section 653.803, on each water service pipe/line to a business, commercial or industrial facility. This requirement applies whenever there is installation of a water service pipe/line, or alteration, renovation or replacement of an existing pipe/line, and for new construction."

(3) **Section 890.1190** is hereby amended by adding the following subsection:

"(h) Lawn sprinkling systems. Accessible shut-off valves shall be provided for each lawn sprinkler system. Such shut-off valve shall permit the system to be shut off without interference with the water supply to the building."

(4) **Section 890.1200(a)** is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"(a) Water service pipe sizing. The water service pipe from the street main (including the tap) to the water distribution system for the building shall be sized in accordance with Appendix A, Tables, M, N, O, P and Q. Water service pipe and fittings shall be at least one inch diameter. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be designed and installed to provide this additional flow."

(5) **Section 890.1250** is added as follows:

"Water saving plumbing fixtures shall be installed as follows:

(1) In all new construction and in all repair and replacement of fixtures or trim, only fixtures and trim not exceeding the following flow rates and water usage shall be installed. (These ratings are based on the pressure at the fixture of 40 to 50 psi.)

Water closets tank type 1.6 gal. per flush

Water closets, flushometer type 1.6 gal. per flush

Urinals, flushometer type 1.0 gal. per flush

Shower heads 2.5 gal. per minute

Lavatory, sink faucets 2.2 gal. per minute

(2) In all new construction and replacement of fixtures, car wash installations shall be equipped with a water recycling system. All flush tank valves, fixture valves, and other taps, cocks, or faucets shall be so installed and maintained that they can be closed tightly against the passage of water.

(3) All air conditioning units installed in any building which is newly constructed, remodeled, or reconstructed shall be designed as a closed system to prevent discharge of cooling water."

(d) **Permit—Required.** No plumbing work, including a connection with the public sewers or water pipes shall be done except in an emergency without first securing from the building official a written permit therefore; provided, however, that no permit shall be required for minor repairs which do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixtures.

Permits shall be issued only to a plumbing contractor licensed by the State of Illinois and registered with the village or to the owner/occupant of a single-family residence for plumbing work on such single-family residence.

(e) **Application; change of contractor.** A written application for a permit shall be filed with the building official. If a connection with the public sewer is contemplated, such application shall be accompanied by a permit from the Fox Metro Sanitary District. All applications for permits shall be signed by the owner of the premises on which the proposed work is to be done or by his duly authorized agent.

Each application for work to be done on all construction other than single or two-family dwellings shall be accompanied by a complete and legible set of drawings and specifications of the work to be done, or in lieu thereof such written description or information as shall be acceptable to the building official.

A new application for a plumbing permit shall be submitted to the plumbing inspector for his approval if the contemplated work is the same but a different contractor is used."

(f) **Fees.** The fees to be charged for plumbing permits shall be the amounts set by resolution of the village board of trustees, from time to time.

(g) **Issuance.** The required permit shall be issued after a determination by the building official that the plans and specifications for the proposed work conform to the requirements of the plumbing code and payment of the fees in accordance with the schedule of fees in subsection (f) above.

(h) **Change in plans.** No changes shall be made in the proposed work from the plans and specification on which a permit has been issued prior to submitting amended plans and specifications to the building official for approval.

Section 6-13 – Elevators; Inspection; Fee

(a) All elevators within the village shall be maintained within the standards established by the American National Standards for Building Facilities, IBC Chapter 30.

(b) During every calendar year, the village shall cause each elevator within the village to be inspected to ensure its compliance with the above standards.

(c) The fee for each elevator inspection shall be \$90.00.

Section 6-14 – Radon Ventilation Systems

Notwithstanding any provision of the village codes, all newly constructed residential units constructed in the village with basements after the date of the ordinance from which this section is derived shall be constructed utilizing a passive subslab radon ventilation system with a four-inch vent pipe. The vent pipe shall be labeled so as to be readily identifiable as a part of the radon system. All residential units requiring a passive subslab radon ventilation system shall also include a four-inch slush coat in all crawl spaces of all homes and a six-millimeter thickness visqueen sheet.

Sec. 6-15 – Short-term building permits.

Short-term building permits shall be required for the following: fences, sheds, electrical and plumbing revisions, signs, demolitions, foundations, lawn sprinklers, water tap-ons, swimming pools and other construction that in the judgment of the building official can be completed within six months and so noted at the time of application.

Work must commence within 90 days of the issuance of the permit and be completed within six months of issuance of the permit.

If the work is not completed with that time a new permit must be obtained.

All other building permits will be valid for a period of 18 months of issuance and work must commence within 90 days of issuance.

Section 6-16 – Building Permit Applications to Include Plans for Runoff of Surface Water; Exemptions

(a) All applications for building permits in areas zoned other than R-1, single-family residence district, shall be accompanied by plans for the orderly runoff of surface water.

- (b) Such plans shall include a statement signed by a licensed civil engineer that the plans include facilities adequate to prevent harmful runoff of surface water.
- (c) The planning commission and zoning commission may, by a majority vote for good cause shown, exempt persons on an individual basis from the requirements of this section.

Section 6-17 – Record Drawings/Asbuilts

Record drawings/asbuilts shall be required for all construction projects that require a building permit or a site development grading/stormwater permit. record drawings/asbuilts shall be submitted prior to issuance of a final certificate of occupancy (except as otherwise provided for in section 6-18) following these requirements:

- (1) Show location of the constructed improvements.
- (2) Show as-built dimensions to water shut off and sanitary sewer service lines.
- (3) Show as-built rim, invert & slope for sanitary and storm sewer. Show as-built rim for water main.
- (4) Show as-built overflow elevation at detention basin and other critical locations (i.e. overland flow routes, etc).
- (5) Certify as-built detention pond volume.
- (6) Show locations of street/parking lot light wiring.
- (7) Furnish two sets of paper record drawings/asbuilts, one set reproducible mylar record drawings/asbuilts and an electronic copy in PDF format and AutoCad drawing file format to the director of community development upon the engineer's approval (with engineer's certificate).

Section 6-18 – Certificate of Occupancy and Temporary Certificate of Occupancy

- (a) **Final certificate of occupancy:** A final certificate of occupancy shall not be issued for any building until 1) all building and site/landscaping improvements have been completed per the approved plans held on file at the Village of Montgomery, 2) record drawings/asbuilts have been submitted and approved, 3) any other required documents specific to the project have been submitted and approved and recorded and 4) all outstanding invoices have been paid.
- (b) **Temporary certificate of occupancy:** If said building has been completed per the approved plans and pass all required inspections but all site/landscaping improvements and record drawings/asbuilts have not been completed a temporary certificate of occupancy may be issued if, in the absolute discretion and opinion of the director of community development, the site/landscaping improvements and record drawings/asbuilts cannot reasonably be completed prior to issuance of a final certificate of occupancy. Reasons that site/landscaping improvements and record drawings/asbuilts may not be able to be completed include, but are not limited to weather-related delays.

Prior to issuance of a temporary certificate of occupancy a letter of credit, following the standard format of the Village of Montgomery, or a cash deposit must be submitted to cover the cost of the remaining site/landscaping improvements and record drawings/asbuilts. Also all outstanding invoice shall be paid and the staff may impose such additional conditions on the issuance of the temporary certificate of occupancy as they deem necessary and appropriate. A time limit shall be set for the temporary certificate of occupancy; if the site/landscaping improvements and record drawings/asbuilts are not completed within that time frame the village shall have the option to extend the temporary certificate of occupancy, revoke the temporary certificate of occupancy, draw on the letter of credit or cash deposit to finish the remaining work, issue a notice to appear in court or exercise any and all of these options. If the temporary certificate of occupancy is for a residential unit, the builder/developer of said unit shall provide evidence (satisfactory to village staff) that the ultimate purchaser and/or resident of said unit is aware of the conditions of this section (relative to issuance of the temporary certificate of occupancy and the risks of revocation that exist) and that the builder/developer consents (and said consent is binding on successors owners/occupants) to the village entering on the property of the unit in question and consents to the village completing said remaining work.

Sections 6-19 – 6-20 – Reserved.

Section 6-21 – Placement of Mailboxes within Public Rights-of-Way and Easements

(a) **General.** For the purpose of this section, a mailbox shall include rural route mailboxes, newspaper boxes, fast freight drop-off boxes and any similar devices intended for use as curbside drop-off or delivery.

(1) Mailboxes located in the public right-of-way, or within any easement granted to the Village of Montgomery, shall be placed to safely and conveniently serve mail carriers.

(2) Mailboxes shall be located on the right-hand side of the road in the direction of travel established for vehicular traffic.

(3) Mailboxes shall be installed in accordance with the following setbacks as illustrated in Exhibit B:

(i) An 18-inch setback from the back of the curb to the face of the mailbox support, or if no curb exists from the edge of the road pavement, or from the edge of a mailbox turn out (either paved or gravel), or from the edge of a gravel shoulder, closest to mailbox.

(ii) A maximum of 42 inches and a minimum of 36 inches clearance between the road pavement and the bottom of the mailbox.

(iii) Even with or up to a maximum six-inch setback from the back of the curb to the face of the mailbox, or if no curb exists, a minimum six-inch setback to a maximum 12-inch setback from the edge of the road pavement, or from the edge of a mailbox turn out (either paved or gravel), or from the edge of a gravel shoulder.

(iv) Mailboxes and their supports shall not encroach in or upon any public sidewalk.

(v) Mailboxes shall meet the published standards of the United States Postal Services Bulletin 21997 (5-6-99) as well as Illinois Department of Transportation standards along state highways.

(4) Mailbox supports shall be constructed of nominal four inch by four inch or four and one-half inch diameter wood posts, or one and one-half inch to two-inch diameter standard steel or aluminum pipe posts, buried no more than 24 inches into the ground. Said supports shall be constructed in accordance with the standards delineated in United States Postal Service Bulletin 21997(5-6-99) attached hereto and incorporated herein by reference as Exhibit A. Unacceptable support structures include, but are not limited to, brick, block, stone or concrete masonry columns, wagon wheels, or steel pipes.

(5) The mailbox shall be securely attached to its support to prevent it from separating from the support if struck by a vehicle.

(6) The property owner shall be responsible for the replacement, repair and maintenance of said mailboxes, except as otherwise provided by subsection (h) below.

(7) The village will not repair or replace any damaged mailbox unless said damage is caused by the village. In the event that the village causes said damage, determinations regarding repair or replacement shall be made as follows:

(i) In the instance that a village vehicle makes direct contact with a mailbox, causing damage, or snow thrown from a village snowplow breaks the post of a mailbox, the owner of said mailbox may seek reimbursement from the village in an amount not to exceed \$75.00. To be eligible for reimbursement, the damaged mailbox must have been installed per the guidelines of the United States Postal Service, which are incorporated herein by reference, and village standards as set forth in the Village Code of Ordinances.

(ii) Mailboxes which become detached from their post due to snow thrown from a village plow or that were not installed pursuant to the guidelines of the United States Postal Service or Village Code of Ordinances shall not be eligible for reimbursement.

(iii) All determinations regarding reimbursement eligibility shall be made by the director of public works, or his or her designee, or as otherwise set forth herein.

(8) If the owner of any premises within the village fails to correct or remove an unapproved mailbox/support installation after seven days from the issuance of a written order by the building commissioner (or his designee), they shall cause the summary abatement of such nuisance at the expense of the person responsible for the same.

(b) **Nonconforming mailbox/support installations.** The use of existing mailbox/support installations which do not conform to the provisions of this section may be continued, although

such use does not conform with the provisions hereof, and such use may be extended provided no structural alterations are made therein. Whenever a nonconforming use of a mailbox/support has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(1) No mailbox/support installation which has been damaged by fire, explosion, act of God, the public enemy, intentional or unintentional causes, to an extent that the building commissioner (or his designee) determines, in his sole discretion, is not acceptable, shall be restored except in conformance with the regulations of this section.

(2) No existing mailbox/support installation devoted to a use not permitted by this section shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed in conforming with the regulations of this section.

(3) Mailbox/support installation locations exempt from the provisions of subsection (a), shall comply with the nonconforming conditions as prescribed in subsection (b) of this section.

Section 6-22 – Street Address Signs

Street address numbers shall be clearly marked on all main buildings on any lot in the village in numbers at least four inches high. However, in the event that said address cannot be reasonably read from the street, as determined by the building superintendent of the village, then the owner of said property shall also be required to place said address numbering on both sides (perpendicular to the roadway) of the mailbox for said property. The address numbering shall be facing the street and located on the part of the building closest to the street. Where any lot abuts more than one street, the numbering shall be facing the street and located on the part of the building closest to the street to which said mailing address corresponds.

Sections 6-23 – 6-35 – Reserved.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this 25th day of September 2023.

M.T. Brolley

Matthew Brolley
President of the Board of Trustees of the Village of Montgomery



ATTEST:

Debbie Buchanan

Debbie Buchanan
Village Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Matt Bauman	✓	—	—	—
Trustee Tom Betsinger	✓	—	—	—
Trustee Dan Gier	✓	—	—	—
Trustee Steve Jungermann	✓	—	—	—
Trustee Doug Marecek	✓	—	—	—
Trustee Theresa Sperling	✓	—	—	—
Village President Matthew Brolley	<i>NO VOTE CAST</i>			