

**CHAPTER 6**

**BUILDING REGULATIONS**

**ARTICLE I – BUILDING CODE**

**6-1-1**        **ADOPTION OF INTERNATIONAL BUILDING CODE.** Pursuant to Section 1-3-1 of the Illinois Municipal Code, 2003 edition of the International Building Codes as published by the International Code Council, (“the IBC”) is hereby adopted as the Building Code of the Village. The IBC shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures, other than one and two family dwellings, and shall apply to existing or proposed building and structures, except if such matters are otherwise provided for in this Code or in other ordinances or statutes or rules or regulations of the Village. The IBC shall also govern the removal and demolition of all buildings and structures, including one and two family dwellings. **(Ord. No. 11-10; 09-21-11)**

**6-1-2**        **ADOPTION OF ONE AND TWO FAMILY DWELLING CODE.** Pursuant to Section 1-3-1 of the Illinois Municipal Code, the 2003 edition of the International Residential Codes for One and Two Family Dwellings as published by the International Code Council, (“the IRC”) is hereby adopted by reference as the One and Two Family Dwelling Code of the Village. The IRC shall control all matters concerning construction, prefabrication, alteration, repair, use, occupancy, and maintenance of detached one or two family dwellings and one family townhouses not more than **three (3) stories** in height, and their accessory structures.

**6-1-3**        **PERMIT APPLICATIONS AND INSPECTIONS.**  
(A)        **Building Permits.**

- (1) Notwithstanding anything contained to the contrary in the IBC and IRC, the Village’s building permit review shall be limited to a plan review and a building plan review. The Village shall not itself perform any building inspections or issue occupancy permits as set forth in the IBC and IRC.
- (2) All applications for building permits shall be on a form provided by the Building Administrator and shall be accompanied by a site plan, and the appropriate application fee.
- (3) The form provided by the Building Administrator shall contain the following legend, to be initialed as applicable in each case by the applicant:

\_\_\_\_\_ THE APPLICANT CERTIFIES THAT THE STRUCTURE TO WHICH THIS APPLICATION APLIES HAS BEEN DESIGNED AND SHALL BE BUILT IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, 2003 EDITION, THE CURRENT EDITION OF THE ILLINOIS PLUMBING CODE AND THE 1998 EDITION OF THE INTERNATIONAL MECHANICAL CODE. ALL SUBCONTRACTORS

AND THE OWNER HAVED BEEN OR WILL BE NOTIFIED OF THIS CERTIFICATION.

\_\_\_\_\_ THE APPLICANT CERTIFIES THAT THE STRUCTURE TO WHICH THIS APPLICATION APPLIES HAS BEEN DESIGNED AND SHALL BE BUILT IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELINGS, 2003 EDITION, THE CURRENT EDITION OF THE ILLINOIS PLUMBING CODE AND THE 1998 EDITION OF THE INTERNATIONAL MECHANICAL CODE. ALL SUBCONTRACTORS AND THE OWNER HAVE BEEN OR WILL BE NOTIFIED OF THIS CERTIFICATION.

(4) Upon receipt of the application for building permit, the Building Administrator shall perform a site plan review and a plan review and shall issue or deny the permit within **five (5) working days**. Any denial shall be accompanied with a statement of reasons, in writing. In case of denial, the applicant may resubmit the application with changes within **thirty (30) days** without paying additional permit fees.

(B) **Demolition Permits.** The Building Code Administrator shall prescribe a form for an application for a demolition permit containing, as a minimum, the information set forth in **Appendix "A"** to this Chapter.

All demolitions shall be completed within **ninety (90) days** of the issuance of the permit. A demolition permit may be re-issued for good cause shown, with the payment by the permittee of a reissuance fee of **Two Hundred Fifty Dollars (\$250.00)**.  
**(Ord. No. 11-120; 09-21-11)**

**6-1-4 PERMIT FEES.**

(A) Building permit fees for initial construction shall be as follows:

Cost of Construction	Permit Fee
\$1 - \$10,000	\$25.00
\$10,001 – \$50,000	\$50.00
\$50,001 – \$100,000	\$100.00
\$100,001 or more	\$200.00

In addition to these fees, there will be an inspection fee of **Twenty-Five Dollars (\$25.00)** for each initial inspection, and if re-inspection is necessary, for each re-inspection.

(B) The demolition permit fee shall be **Twenty-Five Dollars (\$25.00)**.

(C) The building permit fee and the fee for the first inspection shall be paid at the time of initial application. The fee for any re-inspection shall be paid prior to re-inspection.

(D) If a permit application is rejected or the permitted construction is not initiated, the inspection fee of **Twenty-Five Dollars (\$25.00)** shall be refunded; however, the remainder of the building permit fee is nonrefundable.

**(Ord. No. 16-09; 08-17-16)**

**ARTICLE II – PLUMBING CODE**

**6-2-1      ADOPTION OF ILLINOIS PLUMBING CODE.**

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

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

**(Ord. No. 04-26; 12-15-04)  
(Formerly in Chapter 41)**

**ARTICLE III – ELECTRICAL CODE**

**6-3-1      ADOPTION OF THE NATIONAL ELECTRICAL CODE.**

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

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

**(Ord. No. 04-26; 12-15-04)  
(Formerly in Chapter 41)**

**ARTICLE IV – MECHANICAL CODE**

**6-4-1      ADOPTION OF INTERNATIONAL MECHANICAL CODE.**

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

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

**(Ord. No. 04-26; 12-15-04)  
(Formerly in Chapter 41)**

**ARTICLE V - GENERAL PROVISIONS GOVERNING ALL CODES**

**6-5-1**        **EXCEPTIONS TO ADOPTION BY REFERENCE.** Certain sections of the Codes adopted by reference in this Chapter shall be of no force and effect, as follows:

- (A)            Any provision of the Codes pertaining to penalties for violation there.
- (B)            Any section of the Codes pertaining to construction inspection and inspection fees.
- (C)            Any section of the Codes pertaining to appeals of decisions of any building, plumbing or electrical Administrator.
- (D)            Any provision of any of the above Codes, other than the Illinois Plumbing Code, relating to plumbing. It is the intent of this Chapter that the State of Illinois Plumbing Code shall control all matters relating to plumbing.

**6-5-2**        **RESOLUTION OF CONFLICTS AMONG CODES.** In the event of conflicts among the Codes adopted pursuant to this Chapter, or among such Codes and this Chapter, the following rules shall apply:

- (A)            The provisions of this Chapter shall prevail over the provisions of any Code.
- (B)            The Illinois Plumbing Code shall prevail over the provisions of any other Code.
- (C)            The IRC shall prevail over the IBC with respect to one and two family dwellings.
- (D)            In the event of any other conflict, the most stringent requirement shall apply.

**6-5-3**        **CREATION OF OFFICES TO ENFORCE CODE.**

- (A)            There is hereby created the office of Building Administrator, who shall perform the site and plan reviews as set forth in this Chapter.
- (B)            The Building Administrator shall have the powers and duties of the Code Official and Building Official as defined in the Codes adopted in this Chapter. The Building Administrator may have other duties prescribed by the Village Board not related to his duties as Building Administrator. The Building Administrator shall be an officer of the Village appointed by the Mayor with the advice and consent of the Board of Trustees for an indefinite term not to exceed the term of office of the Mayor who appointed him.

**6-5-4**        **APPEALS.**

- (A)            **General.** The provisions of this Division are inconsistent in some respects with the appeal provisions in the Codes adopted in this Chapter.
- (B)            **Application for Appeal.** Any applicant or holder of a building permit aggrieved by an adverse decision of the Building Administrator shall have the right to appeal within **thirty (30) days** of the decision to the Zoning Board of Appeals. A petition for appeal shall be in writing and shall state the basis for the appeal. Any basis for appeal not stated in the petition shall be deemed waived at the subsequent hearing.
- (C)            The petition to appeal shall be submitted to the Village Clerk, who shall forward the petition to the Building Administrator within **two (2) working days**. For

decisions of the Building Administrator other than stop work orders, the Zoning Board of Appeals, shall convene a meeting and conduct hold a hearing within **thirty (30) working days** of the Clerk's receipt of the petition. For decisions involving a stop work order, the Zoning Board of Appeals shall convene and conduct a hearing within **seven (7) working days** of the Clerk's receipt of the petition.

(D) At the hearing, the Applicant shall have the right to be heard and present witnesses. The Building Administrator shall be present and shall state the basis of the denial, and may present witnesses in rebuttal of the Applicant's position. The Zoning Board of Appeals shall render its decision within **thirty (30) days** of the hearing. Decisions shall be in writing. A person aggrieved by the decision of the Zoning Board of Appeals shall have a right to review under the Administrative Review Law.

**6-5-5            GENERAL PROVISIONS.**

(A) No structure, fence, or swimming pool in the Village shall be constructed, enlarged, altered or repaired without a permit being issued by the Building Administrator. All work performed pursuant to any permit issued hereunder shall meet the requirements for workmanship, methods and materials as set forth in the Codes adopted in this Chapter and all requirements of the Zoning Code and other applicable ordinances of the Village. The permit shall be posted on the premises at the time the work is commenced.

(B) Notwithstanding the above or any provision in the Codes adopted pursuant to this Chapter, a building permit shall not be required for the following:

- (1) Cases, counters and partitions not over **five (5) feet** high;
- (2) Painting, papering, window replacement and/or window additions, and similar finish work;
- (3) Temporary motion picture, television and theater stage sets and scenery;
- (4) Window awnings supported by an exterior wall when projecting out not more than **fifty-four (54) inches**;
- (5) Interior alterations and remodeling, does not constitute or affect corridors, exit ways, and load-bearing members of those structures.
- (6) Applying siding.

**6-5-6            GRANDFATHER CLAUSE.** No existing building or structure not in compliance with any of the Codes adopted herein as of the effective date of this Chapter or of any amendment hereto, and no building, the foundation of which has been laid as of the effective date of this Chapter or any amendment hereto which is completed within **six (6) months** of the effective date of this Chapter or the amendment, shall be deemed to be in violation of this Chapter by reason of continuation of the noncomplying condition; nor is any owner required to bring any such structure into compliance with any Code adopted hereunder.

**6-5-7            PENALTIES.** Any person violating this Chapter or the Codes adopted herein shall, upon conviction, be subject to a fine of not less than **Fifty Dollars (\$50.00)** per day and not more than **Seven Hundred Fifty Dollars (\$750.00)** per day for each day a violation exists. In addition, the Village may seek equitable relief in a court of law to restrain violations of this Chapter and of Codes adopted pursuant to this Chapter, or to compel compliance with a stop work order.

**(Ord. No. 04-26; 12-15-04)  
(Formerly in Chapter 41)**

**ARTICLE VI - SWIMMING POOLS**

**6-6-1**        **DEFINITION.** The term “**swimming pool**” is hereby defined as any receptacle for water, either above or below ground level, that is intended to be used for the immersion or partial immersion of human beings, and includes all appurtenant equipment.

**6-6-2**        **REGULATIONS.** In regard to the operation, use, and maintenance of private swimming pools, the following regulations shall be complied with:

(A)            No portion of a swimming pool outside a building shall be located at a distance less than **eight (8) feet** from any side or rear property line, or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than **eight (8) feet** from any side property line. **(See Ch. 40 - Zoning)**

(B)            It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the Village unless permits therefor shall have first been obtained from the building inspector. The fee for a permit for the construction of a swimming pool shall be **Ten Dollars (\$10.00)**.

(C)            All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the building inspector for examination and approval as to proper location and construction.

(D)            All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans.

(E)            All outdoor swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be not less than **four (4) feet**, nor more than **six (6) feet** in height above the grade level and shall be constructed of a minimum number 9 gauge woven wire mesh corrosion-resistant material, or similar material. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.

(F)            **Two (2)** or more means of egress in the form of steps or ladders shall be provided for all swimming pools.

(G)            Every swimming pool shall be equipped with facilities for completely emptying the water therefrom. The water so emptied from the pool shall not be permitted to run into sanitary sewers or onto abutting property.

(H)            For safety purposes, life-saving buoys, ropes, and poles shall be maintained within the pool fence.

(I)            Whenever night lighting shall be installed, the rays of such lighting shall be directed away from abutting property.

(J)            Any noise resulting from the use of any swimming pool shall be substantially diminished after **10:00 P.M.**, so that abutting and nearby residents are not disturbed.

(K)            It shall be unlawful to construct, maintain, use, or enlarge any swimming pool in the Village except in compliance with all the provisions of this Code and the Zoning Code.

**(Ord. No. 507; 06-06-78)**

**ARTICLE VII - FIRE REGULATIONS**

**6-7-1**        **DEFINITIONS.**    The following terms shall apply with regard to this Article:

**"Flammable Liquids"** as used in this Article shall be construed to mean coal oil, benzene, turpentine, gasoline, propane, petroleum or any products thereof in liquid form.

**"Explosive"** shall mean gunpowder, black powder, nitroglycerine, T.N.T., dynamite, and similar materials except for ammunition and very small amounts used only for medicinal purposes.

**"Extinguish"** shall be defined to mean that the flame is completely dead and that no smoldering exists.

**6-7-2**        **EXPLOSIVES.**    It shall be unlawful to store any explosives within the Village.

**6-7-3**        **TANKS AND RECEPTACLES.**    It shall be unlawful to store any flammable liquids in any other but lead-proof metallic tanks or receptacles in the Village. Provided, that receptacles and tanks of other materials may be used if such material used is leak and absorption proof. It shall be unlawful to store any flammable liquids in greater quantity than **fifteen (15) gallons** in any building in the Village, except in an underground tank. Tanks containing more than **fifteen (15) gallons** of such liquids must be equipped with adequate escape valves.

**6-7-4**        **OPEN BURNING OF REFUSE.**    The outdoor burning of refuse, including but not limited to paint, oil, automobiles, tires, plastics, building materials, grass and weed clippings, garbage, trash, debris or any other noxious combustible materials, within the boundaries of the Village is hereby prohibited; however, nothing in this Article shall be construed to prohibit the burning of wood, charcoal, gasoline or other clean fuel oil, or natural gas, in a fireplace, grill, or a like facility for cooking or social heating purposes. Recreation fires may burn until midnight. All recreation fires shall be extinguished after **12:00 midnight**.

**6-7-5**        **LEAF BURNING.**    The burning of leaves or trees and shrubbery trimmings and clippings is permitted providing:

(A)            The burning is conducted between the hours of **10:00 A.M.** and sunset.

(B)            The burning is not conducted on any public street, alley or thoroughfare; and all leaf and shrub burning shall be confined to **two (2) feet** or more of the edge of the oil mat.

(C)            The burning shall not create a visibility hazard on streets or railroad tracks.

(D)            All residue that is produced by the burning of lawful items shall be cleaned, and the area shall be restored to a normal state within **five (5) working days**.



**6-7-6**        **LOCATION.** No fires shall be started within **one hundred (100) feet** of any gasoline station, fertilizer plant or storage area, elevator or business establishment. No fires shall be built or lit so close to any building or other structure or any street or sidewalk or pavement as to endanger it. Burning containers and burning barrels may be placed not less than **eight (8) feet** from the tar patch, street pavement, or other improved street surface; but in no event shall burning containers or burning barrels block or obstruct any public sidewalk, street or other public thoroughfare. **(Ord. No. 97-01; 11-20-96)**

**6-7-7**        **BURNING REQUIREMENTS.** No fires shall burn for more than **four (4) consecutive hours**. All fires shall be completely extinguished by sunset. All fires shall be personally attended by someone over the age of **sixteen (16) years**.

**6-7-8**        **FIRE HAZARDS.** Upon finding any hazardous or dangerous condition, it shall be the duty of the Fire Chief or any other person so designated by the Mayor to direct that such conditions be corrected. As a guide to giving orders or suggestions for correction of hazardous fire conditions, either as to buildings or materials therein, or the business operated therein, the Fire Chief is hereby authorized to use the "Fire Prevention Code", as required by the National Board of Fire Underwriters and the rules and regulations as therein set forth.

**6-7-9**        **INSPECTIONS.** The Fire Chief may enter and inspect any premises or materials therein, for the purpose of eliminating conditions that might present fire hazards, when the Fire Chief:

- (A)            Has the consent of the owner or occupant of the premises; or
- (B)            Has reasonable cause to believe that the premises present a fire hazard and has obtained a search warrant identifying the premises to be entered and the purpose of the inspection.

**6-7-10**       **ENFORCEMENT OF ORDERS.** All persons shall obey the orders and directions of the Fire Chief issued to enforce the provisions of this Article. All police officers shall be empowered to write citations for any violations of this Code and/or ordinances as pertaining to burning.

**(November, 1992)**

**ARTICLE VIII – INTERNATIONAL PROPERTY MAINTENANCE CODE**

**6-8-1            ADOPTION OF PROPERTY MAINTENANCE CODE, 2015 EDITION.**

(A) Pursuant to Section 1-3-1 of the Illinois Municipal Code, the 2015 edition of the International Property Maintenance Code as published by the International Code Council, including Appendix A, "boarding standards", is adopted as the Property Maintenance Code of the Village. The International Property Maintenance Code shall control matters concerning conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure all structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures as are provided therein; except if such matters are otherwise provided for in this Article or in other ordinances or statutes or rules or regulations of the Village.

(B) The Village Building Inspector, or other person designated by the Village President, shall perform the functions of the "Code Official" as that term is used in the International Property Maintenance Code.

**6-8-2            MAINTENANCE OF RECORDS BY CLERK.** The Village Clerk shall place on file in the Village Utility Office, one copy of the International Property Maintenance Code, 2015 edition, and shall make the Code available for public use, inspection and examination.

**6-8-3            EXCEPTIONS TO ADOPTION BY REFERENCE.** The following sections of the International Property Maintenance Code are not adopted by reference and shall be of no force and effect:

Section 103.5, or any other section relating to fees.

Sections 111.1 through 111.8 or any other sections pertaining to appeals of decisions of the Code Official.

Any provision relating to penalties, which are subject to **Section 6-8-4** of this Article.

**6-8-4            ENFORCEMENT AND PENALTIES.**

(A) Persons aggrieved by an order of the Code Official may appeal to the Village Board at a regular meeting thereof held within **thirty (30) days** of the decision. Thereafter, such persons may seek appropriate relief in the Circuit Court.

(B) Any person found to have violated the provisions of this Article or the International Property Maintenance Code shall, upon conviction, be subject to a penalty not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to this penalty, the Village may utilize other statutory or common law remedies deemed appropriate by a court of law or the Code Hearing Department, including but not limited to injunctive relief, preliminary injunctive relief, and obtaining a temporary restraining order. In the event a condition existing on real property violates both the International Property Maintenance Code and some other village ordinance pertaining to dangerous buildings, abandoned buildings, abandoned or inoperable vehicles, or nuisances, the Village may proceed under either ordinance.

**(Ord. No. 15-13; 12-16-15)**

**ARTICLE IX – SOLAR ENERGY SYSTEMS**

**6-9-1**        **ADOPTION.** The Village hereby adopts by reference the regulations set forth in Chapter 23 the International Residential Code, 2012 edition, for both thermal and photovoltaic solar energy systems. The Clerk shall procure and keep a copy of the International Residential Code, 2012 edition, at the Village Hall for public inspection and use.

**6-9-2**        **REGULATIONS.** In addition, the following regulations shall govern solar energy systems:

(A)            The top of a solar energy system shall not be more than **thirty-five (35) feet** above ground level.

(B)            Solar energy systems shall comply with the setback regulations of the zoning district in which they are located.

(C)            Solar energy systems shall be installed and maintained in accordance with manufacturer specifications.

(D)            No solar energy system which is connected to the electrical grid shall be erected without prior approval of the electric service provider.

(E)            No solar energy system shall be erected without a building permit. Building permit applications for solar energy systems shall, in addition to any other requirements of building permits, demonstrate compliance with this Article and Chapter 23 of the International Residential Code, 2012 edition.

**(Ord. No. 15-02; 03-18-15)**