

**CITY OF O'FALLON, ILLINOIS**

**ORDINANCE NO. 4348**

**AN ORDINANCE ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, THE 2021 INTERNATIONAL FIRE CODE, THE 2021 INTERNATIONAL MECHANICAL CODE, THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2021 INTERNATIONAL RESIDENTIAL CODE, THE 2021 INTERNATIONAL EXISTING BUILDING CODE, THE 2021 INTERNATIONAL FUEL GAS CODE, THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE ILLINOIS ENERGY CONSERVATION CODE, THE 2020 NATIONAL ELECTRICAL CODE, THE ILLINOIS PLUMBING CODE, AND THE ILLINOIS ADA CODE**

**WHEREAS**, the City of O' Fallon, Illinois (the "City") has from time to time adopted certain minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance, and use of all buildings and structures; and

**WHEREAS**, the City adopted Ordinance #4163 that adopted the 2018 International Building Code, 2018 Fire Prevention Code, 2018 Mechanical Code, 2018 International Property Maintenance Code, 2018 International Residential Code, 2018 International Existing Building Code, 2018 International Fuel Gas Code, 2018 International Energy Conservation Code and the 2017 National Electric Code and now desires to repeal this ordinance and subsequent amendments to it; and

**WHEREAS**, the City Council, after due deliberation and review, wishes to adopt the 2021 International Building Code, the 2021 International Fire Code, the 2021 International Mechanical Code, the 2021 International Property Maintenance Code, the 2021 International Residential Code, the 2021 International Existing Building Code, the 2021 International Fuel Gas Code, the 2021 International Swimming pool and Spa Code, the Illinois Energy Conservation Code, the 2020 National Electrical Code, the Illinois Plumbing Code and the Illinois ADA code as the Building Codes of the City, and to provide penalties for violations thereof.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ILLINOIS**, as follows:

**SECTION 1:** In the event of conflicts between any provision of this Ordinance and the provisions of any previously adopted and approved Ordinance, the provisions of this Ordinance shall govern. Ordinance 4163 and all subsequent amendments are hereby repealed.

**SECTION 2:** The Building Codes of the City of O’Fallon, Illinois shall consist of the following which are incorporated by reference and made a part hereof as though fully set out herein, and are hereby adopted:

(1) The “2021 International Building Code”, published by the International Code Council, Inc., including Appendices G, H and J and the amendments prescribed in § 150.02, is hereby adopted as the “Commercial Building Code of the City of O’Fallon, Illinois” (the “Commercial Building Code”);

(2) The “2021 International Residential Code”, published by the International Code Council, Inc., et al., including Appendix AH and the amendments thereto prescribed in § 150.03, is hereby adopted as the “Residential Code of the City of O’Fallon, Illinois” (the “Residential Code”)

(3) The “2021 International Fire Code”, published by the International Code Council, Inc., including Appendices B, C, D and E and the amendments prescribed in § 150.04, is hereby adopted as the “Fire Code of the City of O’Fallon, Illinois” (the “Fire Code”);

(4) The “2021 International Property Maintenance Code”, published by the International Code Council, Inc., et al., including Appendix A and the amendments thereto prescribed in § 150.05, is hereby adopted as the “Property Maintenance Code of the City of O’Fallon, Illinois” (the “Property Maintenance Code”);

(5) The “2021 International Existing Building Code”, published by the International Code Council, Inc., et al., including the amendments thereto prescribed in § 150.06, is hereby adopted as the “Existing Building Code of the City of O’Fallon, Illinois” (“Existing Building Code”);

(6) The “2021 International Swimming Pool and Spa Code”, published by the International Code Council, Inc., et al., including the amendments thereto prescribed in § 150.07, is hereby adopted as the “Swimming Pool and Spa Code of the City of O’Fallon” (“Swimming Pool and Spa Code”);

(7) The “2021 International Mechanical Code”, published by the International Code Council, Inc., et al., including Appendix A thereto and the amendments prescribed in § 150.08, is hereby adopted as the “Mechanical Code of the City of O’Fallon, Illinois” (the “Mechanical Code”);

(8) The “2021 International Fuel Gas Code”, published by the International Code Council, Inc., et al., including the amendments thereto prescribed in § 150.09, is hereby adopted as the “Fuel Gas Code of the City of O’Fallon” (“Fuel Gas Code”);

(9) The “2020 National Electrical Code”, published by the National Fire Protection Association, Inc., including the amendments thereto prescribed in § 150.10, is hereby adopted as the “Electrical Code of the City of O’Fallon, Illinois” (the “Electrical Code”)

(10) The “Illinois Plumbing Code 77 IL Admin Code 890”, published by the State Department of Public Health thereto prescribed in § 150.11, is hereby adopted as the “Plumbing Code of the City of O’Fallon” (the “Plumbing Code”);

(11) The “Illinois Energy Conservation Code 20 ILCS 3125”, published by the State Capital Development Board thereto prescribed in § 150.12 , is hereby adopted as the “Energy Code of the City of O’Fallon” (“Energy Code”);

(12) The “ Illinois Accessibility Code 71 IL Admin Code 400”, published by the State Capital Development Board thereto prescribed in § 150.13, is hereby adopted as the “Accessibility Code of the City of O’Fallon”.

The City Clerk is hereby authorized and directed to maintain on file in the office of the City Clerk one copy each of the Commercial Building Code, the Fire Prevention Code, the Mechanical Code, the Property Maintenance Code, the Residential Code, the Existing Building Code, the Fuel Gas Code, the Energy Code, the Electrical Code and the Swimming Pool and Spa Code as herein adopted (collectively, the “City Codes”).

(Prior Code, § 150.01) (Ord. 4163, passed 10-5-2020)

**SECTION 3.** The Commercial Building Code is hereby amended as follows.

(A) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”.

(B) Section 103.1 is hereby repealed and a new Section 103.1 is adopted in lieu thereof as follows.

“103.1 Department of Building Safety, Code Official defined. The term “department of Building Safety” as used in this code shall mean the Building and Inspection Division of the Community Development Department of the City of O’Fallon, Illinois. The term “building official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and including any designee thereof. The function of the Division shall be the implementation, administration and enforcement of the provisions of this code.”

(C) Section 103.2, inclusive, is hereby repealed in its entirety.

(D) Section 109.2 is hereby amended by substituting “by written order or resolution of the City Council” for the words “by the applicable governing authority”.

(E) Section 109.6 is hereby repealed and a new Section 109.6 is hereby adopted in lieu thereof as follows.

“109.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work.”

(F) Section 113.0 is hereby repealed in its entirety and a new Section 113.0 is hereby adopted in lieu thereof as follows.

“Section 113.0 Means of Appeal

113.1 Application for appeal; limitations. Any person shall have the right to appeal to the Building Code Review Committee established in Section 113.2 of this code from a decision of the code official or from any notice issued in connection with the enforcement of the Fire

Prevention Code, the Mechanical Code, the Property Maintenance Code, the Residential Code, the Existing Building Code, the Fuel Gas Code, the Energy Conservation Code and the Electrical Code (as applicable, "the code"). Any such appeal shall be based solely upon and shall state a claim that: (i) the true intent of the code or the rules or regulations adopted pursuant thereto have been incorrectly interpreted, (ii) the provisions of the code do not apply, or (iii) an equivalent form of construction can be used; provided that the Building Code Review Committee shall have no authority to interpret the administrative provisions of the code nor to waive substantive requirements of the code. Any appeal under this section shall be in writing, shall contain a written statement of the grounds for the appeal and shall be filed in the office of the code official within thirty (30) days after the rendering of the decision or from the date of service of the notice from which the appeal is taken.

113.2 Committee established; membership. The Building Code Review Committee hereby established shall consist of five (5) members appointed by the chief appointing authority. The members are to be qualified by experience and training to pass on matters pertaining to the building codes. All members shall serve without compensation.

The terms of members first appointed shall be staggered as follows: one for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one for one (1) year. Subsequent terms shall be for five (5) years. Appointments to fill vacancies shall be for the unexpired portion of a term only.

The Committee shall annually elect one of its members to serve as chair, one of its members to serve as vice-chair, and one of its members to serve as secretary. Members so elected may be re-elected for successive terms. The Committee is hereby authorized to adopt and from time to time to amend rules of procedure for hearings under this code. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information shall be received.

The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. A member shall be disqualified to hear an appeal in which that member has a personal, professional, or financial interest in the subject matter. Alternate members shall be appointed for five-year terms. Appointments to fill vacancies shall be for the unexpired portion of a term only.

113.3 Hearing on appeal; decisions. The Committee shall meet to hear an appeal upon notice from the chair within thirty (30) days of the filing of the appeal. The Committee shall immediately determine whether the appeal filed complies with the jurisdictional requirements of Section 113.1 of this code. Upon so determining, the Committee may hear testimony and evidence and, upon conclusion of the hearing, may modify or reverse the decision or order of the code official by a concurring vote of three (3) members. The decision of the Committee shall be in writing and a copy shall be made available to the appellant and to the code official within a reasonable time after the vote and rendering of the decision."

(G) Section 114, Violations, is hereby amended and adopted in addition to the Commercial Building Code and is hereby incorporated as if fully set forth therein by adding to Paragraph 114.4 as follows:

“114.4.1 Except as otherwise provided, a person convicted of a violation of this code shall be punished by a fine of not less than \$75 and not more than \$750. With respect to violations of this code that are continuous with respect to time, each day the violation continues is a separate offense.

114.4.2 The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

114.4.3 Violations of this code that are continuous with respect to time may be abated by injunctive or equitable relief. The imposition of a penalty does not prevent equitable relief.”

(H) The following Section 117, named Maintenance of Construction Sites, including additional regulations and requirements are hereby adopted in addition to the Building Code and are hereby incorporated as if fully set forth therein.

#### “117.1 Dumpsters

(1) Each building construction site shall have on-site a dumpster(s) of sufficient capacity to contain the construction debris generated by the construction activity on the site.

(2) All construction debris from each building construction site shall be placed in the construction site dumpster(s) by the end of each work day.

(3) Every construction site dumpster, having been filled, shall be removed from the construction site and where appropriate, replaced with another empty dumpster until such time as construction debris is no longer generated on the site.

#### 117.2 Rocked Driveways

(1) Each commercial construction site or subdivision construction site entrance shall have its driveway or roadway (as delineated on the building permit application site plan) rocked with CA3 (three-inch minimum) to a minimum depth of six (6) inches. This subsection may not be required if the permanent paved driveway or entry road is in place and can be used by all construction equipment or delivery vehicles.

(2) Each residential building construction site shall have its driveway (as delineated on the building permit application site plan) rocked with CA6 to a minimum depth of three (3) inches.

(3) Rock drives or roadways must be constructed and maintained on stable soil in order to maintain the desired intent or the rock shall be replaced and/or soil stabilization may be required, as directed by the Code Official.

(4) All deliveries of building materials, of all kinds, shall be made using the rocked road or driveway, without exception.

#### 117.3 Sanitary Facilities

Each residential and commercial building construction site shall provide sanitary facilities (including toileting and hand washing facilities) for the convenience of all workers and shall be discharged into a sanitary sewer or if the facility is portable, it shall be an enclosed, chemically-

treated tank tight unit. All non-sewered units shall be pumped regularly to assure adequate working and sanitary facilities.

#### 117.4 Responsibility

(1) It shall be the responsibility of the permit holder and any individual or company acting under the direction of the permit holder to ensure compliance of all provisions of Section 117.”

(Prior Code, § 150.02) (Ord. 4163, passed 10-5-2020)

**SECTION 4.** The Residential Code is hereby amended as follows.

(A) Section R101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”.

(B) Section R103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows.

“R103.1 General. The term “department of building safety” wherever used in this code shall mean the Building and Inspections Division of the Community Development Department of the City of O’Fallon, Illinois. The term “building official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof. The function of the Division shall be the implementation, administration and enforcement of the provisions of this code.”

(C) Section R103.2, inclusive, is hereby repealed in its entirety.

(D) Section R108.2 is hereby amended by substituting “by written order or resolution of the City Council” for the words “by the applicable governing authority”.

(E) Section R108.5 is hereby repealed and a new Section R108.5 is hereby adopted in lieu thereof as follows.

“R108.5 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work.”

(F) Section R109.5 is hereby amended as follows.

“R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. Work shall be done in a neat and *workmanlike manner*.”

(G) Section R112 is hereby repealed in its entirety and a new Section R112 is hereby adopted in lieu thereof as follows.

“Section R112 Means of Appeal

R112.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(H) Section R113.4 is hereby repealed in its entirety and a new Section R113.4 is hereby adopted in lieu thereof as follows.

“R113.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefor, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code.

(I) Section R202 is is herein amended with the addition of the following definition

“Workmanlike manner. Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.”

(J) Section R301.2.1.1.2 is herein amended with the addition of the following text.

“Elevated category IV or V sunrooms, without a continuous footing, shall be designed by a licensed professional engineer.”

(K) Section R302.5.1 is hereby amended by deleting the section and replacing as follows.

“Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors. Doors shall be equipped with a self-closing or automatic-closing device.”

(L) Section R313.1, Townhouses automatic fire sprinkler systems, is amended by deleting the section and exception and replacing with the following.

“Section R313.1 Townhouse automatic fire sprinklers systems. An automatic residential fire sprinkler system shall not be required in townhouses; however, if a builder or purchaser elects to install an automatic residential fire sprinkler system, it shall comply with section P2904 or NFPA 13D.”

(M) Section R313.2 One- and Two-family dwellings automatic fire sprinkler systems is amended by deleting the section and exception and replacing with the following.

“Section R313.2 One and Two-family dwellings automatic fire sprinkler systems An automatic residential fire sprinkler system shall not be required in one and two family dwellings; however, if a builder or purchaser elects to install an automatic residential fire sprinkler system, it shall comply with section P2904 or NFPA 13D.”

(N) Section R403.1.4.1 is hereby amended by substituting “200 square feet” under “Exceptions (1) and (2) for 600 and 400 square feet”, respectively.

(O) Sections E3902.5, 6, 7 and 9 are hereby amended by deleting the following phrase:

“through 250-volt.”

(P) Section 3902.17 Exception is hereby amended as follows.

“Exceptions:

1. Ground-fault circuit-interrupter protection shall not be required on lighting outlets other than those covered in Section E3902.15. [210.8(F) Exception]
2. Ground-fault circuit-interrupter protection shall not be required for listed HVAC equipment 50 amperes or less.”

(Prior Code, § 150.06) (Ord. 4163, passed 10-5-2020)

**SECTION 5.** The Fire Code is hereby amended as follows.

(A) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]” and by adding the sentence: “The term “jurisdiction” wherever appearing in this code shall mean the City of O’Fallon, Illinois.”

(B) Section 103.1 is hereby repealed in its entirety and a new section 103.1 is hereby adopted in lieu thereof.

“103.1 Department of Fire Prevention and Fire Code Official, defined. The term “Department of Fire Prevention” as used in this code shall mean the Building and Inspection Division of the Community Development Department of the City of O’Fallon, Illinois. The term “fire code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof. The function of the Division shall be the implementation, administration and enforcement of the provisions of this code.”

(C) Section 103.2 is hereby repealed in its entirety.

(D) Section 104.1, General, is hereby amended by adding the following text.

“The Code Official shall not exercise any authority over fire service features regarding fire scenes or any other sections of this code that pertain to operation of and/or duties performed by the O’Fallon Fire Department. Those duties and authority remain with the O’Fallon Fire Chief or his or her designee.”

(E) Section 107, Fees, is hereby amended by adding Section 107.2.1 hereby adopted as follows.

“107.2.1 Fee schedule. A fee for each plan examination, building permit, and inspection shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.”

(F) Section 111 is hereby repealed in its entirety and a new Section 111 is hereby adopted in lieu thereof as follows.

“Section 111 Means of Appeal

111.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113.0 of the Commercial Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(G) Section 112.4 is hereby repealed in its entirety and a new Section 112.4 is hereby adopted in lieu thereof as follows.

“112.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of SECTION 3, Commercial Building Code.”

(H) Section 202 Fire Code Official as defined is hereby amended as follows.

“Fire Code Official is the Code Official or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.”

(I) Section 1103.5 is hereby repealed in its entirety and a new Section 1103.5 is hereby adopted in lieu thereof as follows.

“Section 1103.5 Sprinkler Systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.2.

1103.5.1 Pyroxylin plastics. An automatic sprinkler system shall be provided throughout existing buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg). Vaults located within buildings for the storage of raw pyroxylin shall be protected with an approved automatic sprinkler system capable of discharging 1.66 gallons per minute per square foot (68 L/min/m<sup>2</sup>) over the area of the vault.

1103.5.2 Group I-2. An automatic sprinkler system shall be provided throughout existing I-2 fire areas. The sprinkler system shall be provided throughout the floor where the group I-2 occupancy is located, and in all floors between the Group I-2 occupancy and the level of exit discharge.”

(Prior Code, § 150.03) (Ord. 4163, passed 10-5-2020)

**SECTION 6.** The Property Maintenance Code is hereby amended as follows.

(A) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”.

(B) Section 103.1 is hereby repealed in its entirety and a new section 103.1 is hereby adopted in lieu thereof as follows.

“103.1 General. The term “department of property maintenance inspection” wherever used in this code shall mean the Building and Inspections Division of the Community Development Department of the City of O’Fallon, Illinois. The term “Code Official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.

The function of the Division shall be the implementation, administration and enforcement of the provisions of this code.”

(C) Section 104.1 is hereby repealed in its entirety and fees are adopted per Section 6.01, paragraph (a)(v), under additional regulations.

(D) Section 105 is herein amended with the addition of the following:

“105.8 Suspension or revocation- The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code”.

(D) Section 106.4 is hereby repealed in its entirety and a new Section 106.4 is hereby adopted in lieu thereof as follows.

“106.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefor, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code.”

(E) Section 107 is hereby repealed in its entirety and a new Section 107 is hereby adopted in lieu thereof as follows.

“Section 107 Means of Appeal

107.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by Section 113.0 of the Commercial Building Code, provided that provisions of this code shall regulate the procedures for such appeals.”

(F) Section 108 is herein repealed in its entirety.

(G) Section 202 Definitions is hereby amended as follows:

“Bedroom. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit. Bedrooms shall be separated from other rooms by a door made of wood, or other material approved by the Code Official.”

“Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, fallen trees, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.”

“Motor Vehicle. Any passenger vehicle, motorcycle, recreational vehicle, truck, trailer truck or semi-trailer that is propelled or drawn by mechanical power.”

“Recreational Vehicle. A vehicle used for purposes of recreation and amusement, including a portable vehicular structure without a permanent foundation that can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational, camping and travel use. The definition includes, but is not limited to, motorcycles, mopeds,

scooters, OHV or off-highway vehicle, travel trailers, truck campers, camping trailers, boats, personal watercraft, snowmobiles, go-carts, tent trailers, fifth-wheel trailers and self-propelled motor homes. Recreational Vehicle does not include manufactured home or mobile home.”

(H) Section 302.4 shall have eight inches inserted as the jurisdiction requirement.

(I) “6.01 Occupancy Permit and Inspections:

(A) The following additional regulations are hereby adopted as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein.

“(i) Permit Required. It shall be unlawful for the owner of a parcel of real estate on which a residential or non-residential structure is situated, to occupy the structure or permit the occupancy of the structure by any person without complying with prior thereto Section 6.01(a)(ii). Further, the owner shall not occupy or allow the occupancy of any existing residential or non-residential structure, if the Occupancy Permit thereto has been revoked.

To obtain an Occupancy Permit, the owner must comply with the application process outlined in Section 6.01(a)(ii) within the prescribed time.

Once an Occupancy Permit is issued it shall thereafter, except as provided in Section 6.01(a)(i)(E), be unlawful for the owner to change or allow a change of occupancy with or without change of ownership of the residential or non-residential structure without the owner complying with Section 6.01(a)(ii) prior to the change of occupancy.

For purposes of this Section 6, “owner” is defined as the person or entity maintaining fee simple title to the real estate on which the structure is located at the time of transfer of the title to the real estate to the transferee or at the time of change in occupancy of the structure situated on the real estate.

For purposes of this Section 6, the term “change in occupancy” shall mean a change in possession of a residential or non-residential structure by way of rental, leasehold, ownership, or other manner of tenancy.

For purposes of this Section 6, the term “change of ownership” shall mean:

- (a) Transfer of title to the real property via a deed.
- (b) Transfer of a majority interest in a land trust holding title to the real property.
- (c) Transfer of majority interest in a Corporation, Limited Liability Company, Partnership or other entity holding title to the real property.

A Certificate of Occupancy issued for new or renovated structures by the code official under section 111.0 of the Building Code and section R110 of the Residential Code shall be considered and is expressly distinguished from the Occupancy Permit required pursuant to this Section 6.01(a)(i). However, such Certificate of Occupancy may be honored as an alternative to the Occupancy Permit required by Section 6.01(a)(i) and this code, provided the subject structure otherwise complies with the standards and requirements of this code. In the absence of such

compliance, any building permit fees paid to the City shall be counted toward the fee required for the Occupancy Permit under the Property Maintenance Code.

Any existing structures inspected under this Property Maintenance Code will not be subject to the requirements of the Building Code or Residential Code, unless the building is also subject to new construction, alteration, addition, or relocation requirements, and then only the portion that is affected by that work. The legal occupancy of any structure existing on the date of the adoption of this code, or for which it has been heretofore approved shall be permitted to continue without change, except as is otherwise specifically covered in this property maintenance code, the building code, or fire prevention codes or presents a threat to the life, health and safety of the occupants.

EXCEPTIONS: The inspection provisions of this Section 6.01(a)(i) shall not be applicable in the following instances:

A. To the change in ownership of a residential or non-residential structure containing a dwelling unit when the change in ownership is between co-owners and if there is no change in occupancy;

B. To the change in occupancy or ownership of a residential or non-residential structure within twenty-four (24) months from the date of the last issue of the Occupancy Permit herein required, but not at a longer interval as required by other sections of this code, provided there is no just cause for re-inspection of the premises;

C. To the change in ownership of a residential or non-residential structure when the new buyer or transferee within seven (7) days from date of purchase or transfer, delivers a notarized statement to the Code Official stating that the buyer/transferee will cause the structure to be demolished within six (6) months from the date of purchase or transfer.

D. To the change in ownership or occupancy of a residential structure within thirty-six (36) months from the date of issue of a Certificate of Occupancy for new construction.

E. To the change in ownership of any structure when a new owner accepts all responsibility for obtaining the inspection and an Occupancy Permit required by Section 6.01(a)(i) and 6.01(a)(ii), provided that the owner or the new owner submits an application for an Occupancy Permit along with a written and signed agreement between the owner and new owner, with signatures notarized that the new owner accepts responsibility for obtaining the inspection and an Occupancy Permit. The structure may not be occupied until the above documents have been filed with the Code Official.

(ii) Application Process. Application for the Occupancy Permit required by the Property Maintenance Code shall be made by the owner of the structure or by his or her agent. Any application submitted by a person other than the fee owner shall be done so with legal authorization from the fee owner. The application shall contain the full name and address of the owner or the names and addresses of the responsible officers if the owner is other than a natural person, and the name and address of the applicant.

The application for such Occupancy Permit shall be submitted in such form as the code official prescribes and shall be filed with the Code Enforcement Section of the Community Development Department:

A. In the case of a change of ownership, irrespective of tenancy, at least seven days before the date of transfer of title or effective date of contract for deed.

B. In the case of a change of renter, tenant or lessee.

Once application is made, owner can allow the structure to be occupied, unless the conditions in exception (a) apply. The property maintenance inspection required for issuance of an Occupancy Permit must be scheduled within 7 days after application is made and inspection completed within 30 days of application filing. Once the property maintenance inspection is completed and the owner has been notified of any violations, all violations shall be corrected within 30 days and a re-inspection scheduled. An extension of the 30-day period listed above can be obtained, with due cause, only after written request and then by approval of the Code Official.

(a) If the property is sold/purchased "As Is" or if the structure has not been occupied for a period of 6 months or more then the initial inspection must be completed and all life safety violations must be corrected before the structure can be occupied. This type inspection can be scheduled to be performed within 10 business days of the request. Once the life safety violations are completed, normal time requirements will apply.

(iii) Action on Application; Permit Contents. The code official shall examine or cause to be examined all applications for an Occupancy Permit and shall inspect or cause to be inspected, the structure which is the subject of the application within thirty (30) days after filing. If the application and the structure conform to the requirements of all pertinent laws of the City, the code official shall issue the Occupancy Permit within the same thirty (30) day period. The Occupancy Permit shall certify that the structure complies with the provisions of this code and shall additionally set forth the use, street address or other means of identification, date of issuance, and such other information as the code official shall deem appropriate for the implementation of this code. Occupancy Permits for residential structures shall additionally state the maximum number of occupants permitted.

(iv) Scheduling of Regular Inspections; Utility Services. Regular inspections and regular re-inspections shall be scheduled for normal work days of the City. Appointments for inspection and/or re-inspection shall be made for time(s) of mutual convenience of the applicant and the code official whenever possible and within the time frames specified in Section 6(a)(ii), above. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the residential or non-residential structure(s) within seven (7) days from the date of request by the City for gain of entry and free access.

Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and re-inspection. Water service through the City of O'Fallon and authorization to have electric service activated by that service provider will not be authorized until application is made, when required, for an Occupancy Permit and has been filed with the Code Official.

(v) Fees. Fee(s) for an Occupancy Permit shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.

#### 6.02 Residential Occupancy Permit Requirements:

(a) The following additional regulations and standards are hereby adopted for residential units as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein:

(i) Existing receptacles shall have GFCI protection pursuant to section 210.8 (A) and (B) of the adopted 2020 National Electrical Code.

(ii) The garage shall be separated from the residence and its attic by the following means:

(a) The garage shall be separated from the residence and its attic area by means of minimum of 1/2-inch gypsum board applied to the garage side.

(b) Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood door not less than 1 and 3/8 inch in thickness, 20-minute fire-rated doors or metal insulated doors.

(iii) Each gas appliance shall be provided with a shutoff valve separate from the appliance. The shutoff valve shall be located in the same room as the appliance, not further than 6 feet from the appliance or within reasonable proximity, and installed upstream from the union, connector, or quick disconnect device it serves.

(iv) Swimming pools must comply with the safety regulations of the Swimming Pool and Spa Code.

(v) Provide access to and allow for removal or cause to be removed electric service panel covers for inspection of inside service panel, if required.

(vi) Provide Carbon Monoxide Detectors in all residential occupancies, pursuant to the requirements set forth in the Illinois Carbon Monoxide Detector Act.

#### 6.03 Non-Residential/Commercial Occupancy Permit Requirements

(a) The following additional regulations and standards are hereby adopted for non-residential/commercial structures as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein:

(i) Annual inspections shall be required on all existing and new construction non-residential/commercial structures or premises of the following types and uses:

(a) All structures in the "A" Use Group (Assembly) as defined in the Building Code, i.e., theaters, concert halls, community halls, dance halls, places of religious worship, restaurants, etc. All structures within the A-1, A-3, or any other structure within the Assembly Group as defined in the Building Code, which in the determination of the Code Official, presents a potential public safety hazard to the occupants shall follow the fee schedule in 6.01 A(v) for such annual occupancy inspections.

(b) All structures in the "B" Use Group (Business) as defined in the building code, i.e., ambulatory care facilities, animal hospitals, banks, motor vehicle showrooms, etc.

Exception: Single occupancy structures classified as a B Use group with an occupant load of less than 10 people, that are not classified as a restaurant, bar, tavern, commercial kitchen, or any other like use group. There shall be no common walls or floors between tenant spaces, and/or fire protection systems as defined in the Building Code.

(c) All structures in the “E” Use Group (Educational) limited to private education facilities having six or more persons at any one time as defined in the building code, i.e., private training centers, private parochial schools used for educational purposes through the 12th grade, etc.

(d) All structures in the “F” Use group (Factory) as defined in the Building Code, i.e., food processing establishments, textiles, machinery, metals, etc.

(e) All structures in the “H” Use Group (Hazardous) as defined in the Building Code, i.e. buildings and structures housing high corrosives, flammable finishes fireworks, cryogenic fluids, etc. Any structure in the H (hazardous) Use Group as defined by the Building Code shall follow the fee schedule in 6.01 A(v) for such annual occupancy inspections.

(f) All structures in the “I” Use Group as defined in the Building Code, i.e., assisted living facilities, hospitals, nursing homes, etc.

(g) All structures in the “M” Use Group (Mercantile) as defined in the Building Code, i.e., motor fuel dispensing facilities, retail or wholesale stores, drug stores, etc.

(h) All structures in the “R” Use Group as defined in the Building Code, i.e., hotels, motels, bed and breakfast, boarding houses, apartment houses, etc. Such structures in the R-1 Use Group shall follow the fee schedule in 6.01 A(v) for such annual occupancy inspections.

Exception: Structures regulated by the adopted Residential Code.

(i) All structures in the “S” Use Group (Storage) as defined by the Building Code and are not classified as a Hazardous Occupancy, i.e., motor vehicle repair garages, etc.

Exception: Self-service storage facilities not required to have fire protection systems as defined in the Building Code.

(j) All structures having multiple occupancy groups, whether separated or non-separated as defined in the Building Code, i.e., strip malls, retail centers, etc.

(k) A principal non-residential/ commercial structure that contains a residential occupancy, such as apartments, live/work units, etc. that constitutes an accessory use to the structure. Such structures shall follow the fee schedule in 6.01 A(v) for such annual occupancy inspections.

Exception: The residential portion of that structure shall only be inspected under the guidelines for residential occupancy and related exceptions as regulated in sections 6.01 and 6.02 of this chapter.

(l) All structures and facilities used for childcare and having an average daily attendance of eight or more children. Such structures shall follow the fee schedule in 6.01 A(v) for such annual occupancy inspections.

(m) All structures required to have automatic fire suppression systems and/or fire alarm systems, including fire suppression cooking hood systems as defined in the building code and/or as a condition of occupancy. Such structures shall follow the fee schedule in 6.01 A(v) for such annual occupancy inspections.

(b) Commercial buildings required to have a fire alarm and/or fire sprinkler monitoring system either by code requirements or by agreement with the Code Official or Fire Department as a condition of occupancy must have those systems monitored by an approved central station alarm company or proprietary supervising station. The building owner and/or occupant shall notify the Community Development Department of the central station alarm company or proprietary supervising station contracted to monitor the system. This notification shall be done on an annual basis. Owner/occupant shall immediately notify the Community Development Department of any change in status of the alarm, the central service company or proprietary supervising station, discontinuance of service, or for any other reason that may render the alarm inoperable. Central station alarm companies monitoring alarm systems within the City of O'Fallon shall notify the Building and Inspection Division of any discontinuance of service of any fire alarm system monitored within the city.

(c) Buildings or structures within this group that are not required to be inspected on an annual basis are not exempt from any other requirements within this chapter.

(d) Commercial parking lot maintenance, striping and signage shall be maintained for compliance with the Illinois Accessibility Code.”

(e) Existing receptacles shall have GFCI protection pursuant to section 210.8 (A) and (B) of the adopted 2020 National Electrical Code.

(J) Section 302.8 is hereby repealed and a new section 302.8 is hereby adopted in lieu thereof as follows.

“302.8 Vehicles-Except as provided for in other regulations, inoperative and/or unlicensed vehicles, including motor vehicles and recreational vehicles, shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.”

(Prior Code, § 150.05) (Ord. 4163, passed 10-5-2020; Ord. 4289, passed 2-5-2024)

**SECTION 7.** The Existing Building Code is hereby amended as follows.

(A) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”.

(B) Section 103.1 is hereby repealed in its entirety and a new Section 103.1 is hereby adopted in lieu thereof as follows.

“Section 103.1 Department of Building Safety, Code Official defined

103.1 General. The term “department of building safety” wherever used in this code shall mean the Building and Inspections Division of the Community Development Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.”

(C) Section 103.2 inclusive is hereby repealed in its entirety.

(D) Section 108.2 is hereby amended by substituting “by written order or resolution of the City Council” for the words “by the applicable governing authority”.

(E) Section 108.6 is hereby repealed and a new Section 108.6 is hereby adopted in lieu thereof as follows.

“108.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work.”

(F) Section 112 is hereby repealed in its entirety and a new Section 112 is hereby adopted in lieu thereof as follows.

“Section 112 Means of Appeals

112.1 Means of Appeals. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(G) Section 113.4 is hereby repealed in its entirety and a new Section 113.4 is hereby adopted in lieu thereof as follows.

“113.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefor, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code.”

(Prior Code, § 150.07) (Ord. 4163, passed 10-5-2020)

**SECTION 8.** The Swimming Pool and Spa Code is hereby amended as follows.

(A) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”.

(B) Section 103.1 is hereby repealed in its entirety and a new Section 103.1 is hereby adopted in lieu thereof as follows.

“Section 103.1 Department of Building Safety, Code Official defined

103.1 General. The term “department of inspection” wherever used in this code shall mean the Building and Inspections Division of the Community Development Department of the City of

O'Fallon, Illinois. The term "code official" as used in this code shall mean the duly appointed Code Official of the City of O'Fallon, Illinois and any designee thereof."

(C) Section 103.2., inclusive, is hereby repealed in its entirety.

(D) Section 108.2 is hereby amended by substituting "by written order or resolution of the City Council" for the words "by the applicable governing authority".

(E) Section 108.5 is hereby repealed and a new Section 108.5 is hereby adopted in lieu thereof as follows.

"108.5 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work."

(F) Section 111 is hereby repealed in its entirety and a new Section 111 is hereby adopted in lieu thereof as follows.

"Section 111 Means of Appeal

111.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals."

(G) Section 113.4 is hereby repealed in its entirety and a new Section 113.4 is hereby adopted in lieu thereof as follows.

"113.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code."

(H) Section 305.1 is hereby repealed in its entirety, and a new Section 305.1 is hereby adopted in lieu thereof as follows.

"Section 305.1 General

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas.

Exception: Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with sections 305.2 through 305.7."

(I) Section 305.3.1 is hereby repealed in its entirety, and a new section 305.3.1 is hereby adopted in lieu thereof as follows.

"305.3.1 Utility or service doors and gates. Doors and gates not intended for pedestrian use, such as utility or service doors and gates, shall be self-closing and self-latching and shall remain locked when not in use."

(Prior Code, § 150.12) (Ord. 4163, passed 10-5-2020)

**SECTION 9.** The Mechanical Code is hereby amended as follows.

(A) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”.

(B) Section 103.1 is hereby repealed in its entirety and a new Section 103.1 is hereby adopted in lieu thereof as follows.

“Section 103.1 Department of Mechanical Inspection, Code Official defined

103.1 General. The term “department of mechanical inspection” wherever used in this code shall mean the Building and Inspections Division of the Community Development Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.”

(C) Section 109.2 is hereby amended by substituting “by written order or resolution of the City Council” for the words “by the applicable governing authority”.

(D) Section 109.6 is hereby repealed and a new Section 109.6 is hereby adopted in lieu thereof as follows.

“109.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work.”

(E) Section 113 is hereby repealed in its entirety and a new Section 113 is hereby adopted in lieu thereof as follows.

“Section 113 Means of Appeal

113.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113.0 of the Commercial Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(F) Section 115.4 is hereby repealed in its entirety and a new Section 115.4 is hereby adopted in lieu thereof as follows.

“115.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefor, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code.”

(Prior Code, § 150.04) (Ord. 4163, passed 10-5-2020)

**SECTION 10.** The Fuel Gas Code is hereby amended as follows.

(A) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”.

(B) Section 103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows.

“Section 103.1 Department of Building Safety, Code Official defined

103.1 General. The term “department of inspection” wherever used in this code shall mean the Building and Inspections Division of the Community Development Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.”

(C) Section 103.2, inclusive, is hereby repealed in its entirety.

(D) Section 109.2 is hereby repealed in its entirety and a new Section 109.2 is hereby adopted in lieu thereof as follows.

“109.2 Fee schedule. A fee for each plan examination, building permit and inspection shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.”

(E) Section 109.6 is hereby repealed and a new Section 109.6 is hereby adopted in lieu thereof as follows.

“109.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work.”

(F) Section 113 is hereby repealed in its entirety and a new Section 113 is hereby adopted in lieu thereof as follows.

“Section 113 Means of Appeal

113.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(G) Section 115.4 is hereby repealed in its entirety and a new Section 115.4 is hereby adopted in lieu thereof as follows.

“115.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefor, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code.”

(Prior Code, § 150.08) (Ord. 4163, passed 10-5-2020)

**SECTION 11.** The Electrical Code is hereby amended as follows.

(A) Section 90-4 is hereby amended by adding thereto the following provisions.

“The Building and Inspections Division of the Community Development Department of the City of O’Fallon, Illinois and the duly appointed Code Official of the City of O’Fallon, Illinois

and authorized designees (individually a “code official” and together, the “code officials”) that are hereby authorized and designated to carry out the enforcement provisions of this code.

Any person affected by a decision of a code official or a notice or order lawfully issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(B) Section 210.8 (A) shall be amended as follows.

“(A) Dwelling Units. All 125-volt through 250-volt receptacles installed in the following locations specified in 210.8(A)(1) through(A)(4) and (A)(8) and (A)(9) and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel. 125-volt receptacles installed in the locations specified in 210.8(A)(5) through (7) and (A)(10) shall have ground-fault circuit-interrupter protection for personnel.

(C) Section 210.8(F) Exception is hereby amended as follows.

“210.8(F) Outdoor Outlets. All outdoor outlets for dwellings, other than those covered in 210.8(A)(3), Exception to (3), that are supplied by single phase branch circuits rated 150 volts to ground or less, 50 amperes or less, shall have ground-fault circuit-interrupter protection for personnel.

Exceptions:

1. Ground-fault circuit-interrupter protection shall not be required on lighting outlets other than those covered in Section 210.8(C).
2. Ground-fault circuit-interrupter protection shall not be required for listed HVAC equipment 50 amperes or less.”

(D) The following additional regulations and standards are hereby adopted as supplementary and in addition to the requirements of the Electrical Code and are hereby incorporated as if fully set forth therein:

“(i) No other electrical conductor other than copper shall be used in the City other than,

- (a) by the utility company in its service supply lines
- (b) service and feeders approved by the Code Official

(ii) Branch circuits shall be at least Number 12 gauge wire.

(iii) Use of circuit breakers commonly known and referred to as “space saver circuit breakers” shall be prohibited in new construction. It may be allowed in panelboard replacement in existing services and in upgrading of existing services if the service panel is rated for their use, with the approval of the code official. The minimum width of any service panelboard circuit breaker shall be 3/4 inch. All such circuit breakers shall be of “unit-pole” design and operation, having one overcurrent protection device per set of terminals; the use of twin, tandem or similar circuit breakers which feature or allow two or more overcurrent protection devices on a single set of terminals shall not be permitted. For the purpose of this code, a “unit pole” circuit breaker is a

single overcurrent protection device which exclusively, without another, makes use of one line-side terminal and its opposite load center bus-bar terminal. Any such use shall meet manufacturers requirements.

(iv) Unless approved by the Code Official, a maximum of 42 circuits per panel shall be allowed on a 200 amp service panel and 24 circuits on a 125 amp service panel. Breaker panels and/or fuse panels shall be clearly marked within the panel designating circuit numbers and the corresponding area(s) and/or equipment or features they service. All service panels shall contain a 2-pole space for future expansion.”

(Prior Code, § 150.10) (Ord. 4163, passed 10-5-2020)

**SECTION 12.** The Plumbing Code is hereby adopted with no amendments.

(Prior Code, § 150.11) (Ord. 4163, passed 10-5-2020)

**SECTION 13.** The Energy Code is hereby adopted with no amendments.

(Prior Code, § 150.09) (Ord. 4163, passed 10-5-2020)

**SECTION 14.** The Accessibility Code is hereby adopted with no amendments.

(Prior Code, § 150.13) (Ord. 4163, passed 10-5-2020)

**SECTION 15.** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**SECTION 16.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

