

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 07-17**

**AN ORDINANCE AMENDING TITLE 9 OF
THE MUNICIPAL CODE OF THE CITY OF BATAVIA FOR
MECHANICAL REGULATIONS FOR ALL STRUCTURES**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 5TH DAY OF MARCH, 2007**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 6th day of March, 2007

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

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ORDINANCE 07-17**

**AN ORDINANCE AMENDING TITLE 9 OF
THE MUNICIPAL CODE OF THE CITY OF BATAVIA FOR
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WHEREAS, The International Mechanical Code, 2006 Edition establishes minimum standards governing all matters concerning the installation, maintenance, and control of mechanical equipment in all existing property, buildings and structures; and

WHEREAS, adoption of the International Mechanical Code would be in the best interest of the City of Batavia as well as the health and safety of its citizens;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That Title 9, Chapter 14 of the Batavia Municipal Code shall be added to read as follows:

MECHANICAL

9-14-1: SCOPE AND REGULATIONS: The provisions of this Chapter shall be applicable to all property, buildings, and structures within the City of Batavia.

9-14-2: PERMITS AND GENERAL REQUIREMENTS: See Chapter 1 of this Title.

9-14-3: MECHANICAL CODE ADOPTION: The provisions of the 2006 Edition of the International Mechanical Code published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, not less than three (3) copies of which have been and now are on file in the office of the City Clerk of the City of Batavia, Illinois, are hereby adopted together with the special regulations listed herein modifying said International Mechanical Code as the regulations governing mechanical installations, maintenance, and control in all property, buildings, and structures in the City of Batavia, Kane County, Illinois

9-14-4: SPECIFIC AMENDMENTS TO THE CODE: The International Mechanical Code, as herein above adopted by reference, is specifically amended as follows:

**CHAPTER 1
ADMINISTRATION**

A. Section 101.1 Title: Revise to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Batavia, hereinafter referred to as “this code.”

B. Section 101.2 Exception: Revise to read as follows:

Exception. Detached one- and two-family dwellings not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

C. Section 102.8 Exception: Add an exception to read as follows:

Exception. Where enforcement of the code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.

D. Section 102.8.1 Plumbing Code: Add a new section to read as follows:

102.8.1 Plumbing Code. All references to the International Plumbing Code shall be deemed to mean the Illinois Plumbing Code as adopted in section 9-6-3 of the Batavia Municipal Code.

E. Section 102.8.2 Electrical Code: Add a new section to read as follows:

102.8.2 Electric Code. All references to the ICC Electrical Code shall be deemed to mean the National Electric Code as adopted in section 9-5-2 of the Batavia Municipal Code.

F. Section 103.1 General: Revise to read as follows:

103.1 General. There is a Building and Inspection Department for the City, created under Section 1-8C of the Batavia Municipal Code. The Building and Inspection Commissioner, Building Inspector, and the Zoning Officer designated under Title 10 of the Batavia Municipal Code shall collectively be known as the “Code Official” as herein used.

G. Section 106.5.2 Fee Schedule: Revise to read as follows:

106.5.2 Fee Schedule. The fees for mechanical work shall be as indicated in Section 9-1-3 of the Batavia Municipal Code.

H. Section 108.4 Violation penalties: Revise to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a code violation, punishable by a fine as specified in Section 9-1-4 of the Batavia Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

I. Section 108.5 Stop work orders: Revise to read as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as indicated in Section 9-1-4 of the Batavia Municipal Code.

K. Section 109 Board of appeals: Revise to read as follows:

1. Appeal of Code Official Decision: Any person aggrieved by a decision of the Code Official may appeal said decision. Application for appeal may be made when the party asserts that the intent of the Code has been met by the party's submitted plans or construction or that the Code has been incorrectly interpreted or that substitute construction and protective assemblies and systems will provide as good as or better structure or building when completed. Any appeal shall be in writing as set forth below.
2. The Committee of the City Council as designated by the City Administrator from time to time shall receive and review any written application for appeal of any such decision of the Code Official. Such appeal must be filed with the Code Official within ten (10) days of the Building Official's written decision.
3. Within forty-five (45) days of the date of filing the written appeal, the designated committee shall meet in public session and take evidence from the party filing the appeal and the Code Official with respect to the subject of the appeal.
4. At the conclusion of the taking of the evidence, the Committee shall make written findings of fact together with its recommendation and forward same to the full Batavia City Council.

5. The final decision as to whether the appeal shall be granted shall be made by the City Council. In making this decision, the City Council shall review only the record of the evidence taken by the designated committee, which shall include the Committee's findings of fact and recommendation. No further evidence may be presented to the City Council. The granting of an appeal not constituting a variation to the Batavia Municipal Code shall be accomplished by a majority vote upon an appropriate motion. Any variation to the Batavia Municipal Code shall be by duly adopted ordinance.

**CHAPTER 3
GENERAL REQUIREMENTS**

A. Section 303.3 Prohibited locations: Add item #6 to read as follows:

6. "R" occupancies; units designed to condition habitable spaces of the home shall not be located in a garage, except as permitted in exception #3, and shall comply with section 304.3.

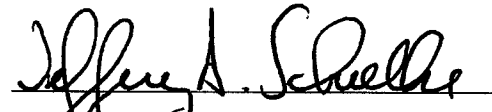
SECTION 2: The revisions hereinabove set forth shall become effective on April 1, 2007.

SECTION 3: Subject to the provisions of Section 2 above, this Ordinance 07-17 shall be in full force and effect upon its presentation, passage and publication according to law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 07-17

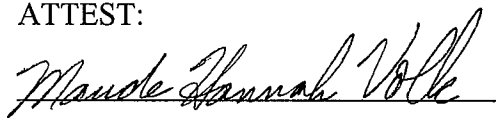
PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 5th day of March, 2007

APPROVED by me as Mayor of said City of Batavia, Illinois, this 5th day of March, 2007.


 Jeffrey D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	Wollnik	X				Sparks	X			
2	Dietz	X				Wolff	X			
3	Miller			X		Barnard	X			
4	Volk	X				Schmitz	X			
5	Frydendall	X				Nelson			X	
6	Liva	X				Clark	X			
7	Vance	X				Brown	X			
Mayor Schielke										
VOTE:		12 Ayes	0 Nays	2 Absent	0 Abstention(s)	counted as _____				
		Total holding office: Mayor and 14 aldermen								

ATTEST:


 Maude Hannah Volk, City Clerk