

ORDINANCE NO. 671

VILLAGE OF BELLEVUE, ILLINOIS

ORDINANCE ESTABLISHING CONSTRUCTION COMMISSION

WHEREAS, Section 1-3-2 of the Illinois Municipal Code (65 ILCS 5/1-3-2) authorizes municipalities to adopt by reference regulations regarding construction, reconstruction or alteration of structures; and

WHEREAS, the Village has adopted the 2006 International Building Code (the "Code") as the building code of the Village; and

WHEREAS, the Code calls for the appointment of a construction commission;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE VILLAGE BOARD OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: Establishment; composition. There is hereby established the construction commission (the "Commission") of the Village which shall consist of the members of the Village's Zoning Board of Appeals ("ZBA").

Section 2: Terms of members; vacancies; chairpersons, etc. Membership on the Commission shall be governed in the same manner as membership on the ZBA.

Section 3: Election of chairperson. The Commission shall annually elect one of its members to serve as chairperson.

Section 4: Duties and authority. The Commission shall be empowered with the following duties and shall have the following authority:

- (1) To review proposed changes to the building and building related codes of the Village (the "Codes") and advise the Village Board thereon.
- (2) To advise the Village Board on the standards to be adopted by the Village for the licensing of various building and construction contractors within the Village.
- (3) To perform all duties required of a board of appeals by any of the Codes, with the exception of the Plumbing Code and the Illinois Accessibility Code.
- (4) To hear and decide variances of the Village's building and commercial property maintenance codes as provided in Section 6 below.
- (5) To perform such other duties as this ordinance and the Codes may assign to the Commission.

Section 5: Meetings. The Commission shall meet on an "as needed" basis to review and act upon matters which come before the Commission. Whenever the Commission believes that an item which is on the agenda for a meeting concerns a matter where to expertise of a technical representative is required, qualified experts can be requested to provide technical information to assist the Commission.

Section 6: Right to appeal and variance request.

- (a) An appeal may be taken by a property owner aggrieved by a decision of the building official in the following instances:
 - (1) In cases where discretionary power in estimating damages is given to the building official.
 - (2) In questions relating to the security or insecurity of any building or part thereof.
 - (3) In all other cases when discretionary powers are by the Codes given to the code official.
- (b) A request for variance from the Codes may be made by a property owner for new construction or remodeling existing residential and commercial structures when strict compliance:
 - (1) Would cause exceptional practical difficulties; or
 - (2) Would work a particular hardship upon the owner or user of such property, as distinguished from a mere inconvenience for such owner or user, and provided that it can be shown to the satisfaction of the Commission that such relief can be granted without substantially impairing the general purpose or intent of the provisions of the Codes.
- (c) A request for a variance from the property maintenance code may be made by a property owner. The Commission may grant relief from strict compliance of each provision of the property maintenance code if the petitioner meets one or more of the following criteria:
 - (1) There is substantial compliance with the provision of the property maintenance code.
 - (2) The granting of the variation will not be detrimental to the public health or safety or injurious to other property or improvements in the neighborhood in which the property is located.
 - (3) The intent of the property maintenance code is not compromised.
 - (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 - (5) The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same classification.
 - (6) The code requirement creates a financial hardship for the petitioner that does not impose a life safety threat to the public.
 - (7) The practical difficulty or hardship is caused by this section and has not been created by any persons presently having an interest in the property.
 - (8) The safety of the building occupants will not be jeopardized.

Section 7: When appeal to be filed: records. An appeal may be taken within 30 days from the date of the decision appealed from, by filing with the building official and with the chairperson of the Commission a notice of appeal, specifying the grounds thereof, except that in the case of a building or structure which in the opinion of the building official is unsafe or dangerous. The building official shall forthwith transmit to the Commission all the records upon which the action appealed from was taken.

Section 8: Hearing and decision.

- (a) The Commission shall in every case requesting an appeal or variance hold a public hearing and reach a decision without unreasonable or unnecessary delay. The Commission shall publish notice of such hearing in a newspaper published within the Village at least fifteen (15) days prior to the date of the hearing. Every decision of the Commission shall be in writing and shall be promptly filed in the office of the code official. A copy of the decision shall be sent by mail or otherwise to the petitioner.
- (b) If a decision of the Commission reverses an order of the code official, the code official shall take action in accordance with such decision.

Section 9: Disqualification of member. A member shall not hear an appeal in which that member has any personal, professional or financial interest.

Section 10: Secretary to the Commission. The code official shall designate a qualified clerk to serve as secretary to the Commission. The secretary shall file a record of all proceedings in the office of the building inspections division.

Section 11: Meetings to be open. All meetings of the Commission shall be open to the public. The petitioner, the petitioner's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

Section 12: Quorum. Three (3) members shall be present to form a quorum.

Section 13: Commission decision. The Commission shall act by a concurring vote of a majority of the members present.

Section 14: Notice of Decision. All decisions of the Commission shall be provided in writing to the petitioner and the code official.

Section 15: Purpose generally. The Commission is not for policy or political deliberations. It is intended that appeals and matters be decided purely on their technical merits, with due regard for state-of-the-art construction technology.

Section 16: Intent of appeal process. The intent of the appeal process is not to waive or set aside a code requirement; rather it is intended to provide a means of reviewing a code

official's decision on an interpretation or application of the code or to review the equivalency of protection to the code requirements.

Section 17: Records. A record of all Commission modifications and/or interpretations shall be maintained by the building inspections division to be used for reference in deciding similar issues that are brought to the code official and/or Commission.

Section 18: Effective Date: This ordinance shall be effective upon its passage and publication as provided by law.

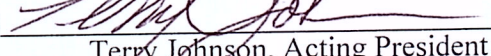
PASSED AND APPROVED THIS 14 DAY OF JANUARY, 2014.

AYES: 5

NAYS: 0

ABSENT: 0

VILLAGE OF BELLEVUE, ILLINOIS

By: 
Terry Johnson, Acting President

Attest: 
Sandra Cooper, Clerk

313-924