

Title 9 BUILDING AND DEVELOPMENT

Chapter 1 FEE SCHEDULE

9-1-1: ADOPTION OF FEE SCHEDULE:

The fee schedule for building permits attached to ordinance 14-15 as exhibit A is hereby adopted by reference as if set out at length herein and will apply to any building permit issued after the effective date of said ordinance 14-15. (Ord. 14-15, 11-10-2014)

Chapter 2 BUILDING CODE AND REGULATIONS

9-2-1: BUILDING CODE:

A. Adoption Of Code: The 2006 edition of the international building code, including appendix chapters, as published by the International Code Council, is hereby adopted in its entirety as the building code of the village, regulating and governing the 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 that 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 structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of said building code are hereby referred to, adopted, and made a part hereof as fully set out in this subsection, with the additions, insertions, deletions and changes, if any, as prescribed in subsection B of this section. Three (3) copies of the building code, including appendix chapters, are on file with the village clerk. (Ord. 11-09, 4-11-2011; amd. 2013 Code)

B. Amendments To Code: The following sections of the ICC international building code, 2006 edition, are amended to read as follows:

R309.2 Separation Required. The garage shall be separated from the residence and its attic area by not less than $\frac{5}{8}$ inch (15.9 mm) type X fire-rated gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than $\frac{5}{8}$ inch (15.9 mm) type X fire-rated

gypsum board or equivalent.

Section R329 is created and approved to read as follows:

Section R329 Window Well Covers

R329(J) Window Well Covers. All window wells shall have a protective cover capable of supporting a 250 lb. (113.5 kg.) load, to prevent people and animals from falling into the well. Window well covers for emergency escape and rescue openings shall be installed in accordance with section R310.

R801.3 Roof Drainage/Gutters And Downspouts. Roofs of all buildings shall have the means of concentrating storm water. Residential downspouts not connected to the storm sewer shall discharge directly onto splash blocks located no closer to the abutting property line than one-half the overall distance as measured between the building and the abutting property line. The discharged water shall not be allowed to flow across walking or driving surfaces. When the point of discharge is located within 5 feet (1524 mm) from the abutting property line, the discharge pipe shall be directed to the front or rear of the property. If this cannot be achieved, the downspouts shall be directly connected to a storm sewer. The village, or its authorized designee, may vary the requirements of this section if warranted by site conditions.

(Ord. 11-10, 4-11-2011)

9-2-2: PERMIT REQUIREMENTS:

A. Permit Required; Exemptions: It shall be unlawful to construct, enlarge, alter or demolish a structure which is regulated by the code adopted in subsection [9-2-1A](#) of this chapter without first filing an application with the village code enforcement officer/building inspector, or such persons as he may designate, in writing, and obtaining the required permit therefor; except, that ordinary repairs, as defined in section 105.2 of the international residential code, which do not involve any violation of this chapter, shall be exempt from this subsection. (1997 Code § 7-4)

B. Permit Fees And Costs:

1. No permit required by this section shall be issued until the fees and costs prescribed in subsection B2 of this section shall have been paid; nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.
2. The fees for permits required by the building code adopted in subsection [9-2-1A](#) of this chapter shall be in accordance with the schedule of fees adopted in section [9-1-1](#) of this title. In the event that a building or other improvement needing a building permit is already under construction or has been completed at the time of application for a building permit, the fee may be double the fee set forth in said fee schedule. In addition, all costs incurred by the village or its designated agents shall be charged against the applicant as an additional expense. (1997 Code § 7-5; amd. 2013 Code)

C. Conditions Of Permit Issuance: No building permit shall be issued by the village to any individual who has failed to comply with any outstanding building permit issued to that person. Provided, however, that notwithstanding any other provision herein, a building permit may be issued to such individual to the extent necessary to bring any building or structure within the village into compliance with the building code heretofore or hereafter adopted by the village. (1997 Code § 7-7)

D. Expiration Of Permit; Extension: Every permit issued shall become invalid unless the work authorized by such permit is completed within three hundred sixty five (365) days after its issuance or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The code enforcement officer/building inspector is authorized to grant, in writing, one and only one extension of time, for a period not to exceed ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated. (Ord. 08-03, 3-10-2008)

9-2-3: ENFORCEMENT OFFICIAL:

The village building inspector shall be responsible for the enforcement of this chapter with the exception of the provisions of the property maintenance code and the items specifically set

forth in subsection [1-7E-4B8](#) of this code which shall be the responsibility of the village code enforcement officer to enforce and/or permit. (Ord. 16-10, 7-11-2016)

Chapter 3 RESIDENTIAL CODE

9-3-1: ADOPTION OF CODE:

The 2006 edition of the international residential code, including appendix chapters, as published by the International Code Council, is hereby adopted in its entirety as the residential code of the village, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of said residential code are hereby referred to, adopted, and made a part hereof as fully set out in this section, with the additions, insertions, deletions and changes, if any, as prescribed in section [9-3-2](#) of this chapter. Three (3) copies of the residential code, including appendix chapters, are on file with the village clerk. (Ord. 11-11, 4-11-2011; amd. 2013 Code)

9-3-2: AMENDMENTS TO CODE:

A. The following sections of the ICC international residential code, 2006 edition, are amended to read as follows:

Section R703.2 And Table R703.4 are amended and approved to read as follows:
Revised to require a water-resistive barrier under all exterior wall finish (siding) materials.
To read as follows:

R703.2 Water-Resistive Barrier And Window Flashing. One layer of no. 15 asphalt felt, free from holes and breaks, complying with ASTM D 226 for type 1 felt or other approved water-resistive barrier shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where joints occur, felt shall be lapped not less than 6 inches (152 mm). The felt or other approved material shall be continuous to the top of wall and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in section R703.1.

Exception: Omission of the water-resistive barrier is permitted in the following situations:

1. In detached accessory buildings.
2. Under exterior wall finish materials as permitted in table R703.4.
3. Under paperbacked stucco lath when the paper backing is an approved weather-resistive sheathing paper.

Table R703.4 is amended and changed. The new exhibit A is incorporated by reference herein as the new table R703.4.
(Ord. 11-12, 4-11-2011)

B. The following sections of the ICC international residential code for one- and two-family dwellings, 2006 edition, are amended to read as follows:

R309.2 Separation Required. The garage shall be separated from the residence and its attic area by not less than $\frac{5}{8}$ inch (15.9 mm) type X fire-rated gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than $\frac{5}{8}$ inch (15.9 mm) type X fire-rated gypsum board or equivalent.

R310.1 Emergency Escape And Rescue Required. Basements and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Said emergency escape and rescue window shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with section R310.2.

R317.1 Residential Dwelling Unit Separation. All residential dwelling units shall be separated from each other by wall and/or floor-ceiling assemblies of not less than two hour fire-resistive rating when tested in accordance with ASTM E 119. Fire-resistive rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

R317.1.1 Supporting Construction. When floor assemblies are required to be fire-resistive rated by section R317.1, the supporting construction of such assemblies shall have an equal or greater fire-resistive rating.

R317.2 Townhouses. Each townhouse shall be considered a separate building/unit and shall be separated by fire-resistive rated assemblies meeting the requirements of section R317.1.

Section R1004 of the residential code, governing factory built fireplaces, is amended to add the following paragraph:

Local Requirement. All gas or solid burning fireplace cases shall be fire stopped on the inside walls with one-half inch drywall, up to the ceiling fire stop.

Section N1101.2 of the residential code, governing energy conservation, is amended to add the following paragraph:

Local Insulation Requirement. A minimum of R-38 for ceilings, and a minimum of R15 for exterior wall cavities. In the event the requirements of the state of Illinois energy code are more restrictive as compared to the requirements of this section, the state of Illinois energy code shall control to the extent such differences exist.
(Ord. 11-13, 4-11-2011)

Chapter 4 PLUMBING CODE

9-4-1: ADOPTION OF CODE:

The state of Illinois plumbing code, 2004, or current Illinois plumbing code, is hereby adopted by reference thereto as if fully set forth herein, except such portions as are hereinafter deleted or amended, three (3) copies of which are on file in the office of the village clerk. (1997 Code § 7-10; amd. 2013 Code)

Chapter 5 ELECTRICAL CODE

9-5-1: ADOPTION OF CODE:

The national electrical code, 2008, is hereby adopted by reference thereto as if fully set forth herein, save and except such portions as are hereinafter deleted or amended, of which three (3) copies thereof are on file in the office of the village clerk. (1997 Code § 7-20; amd. 2013 Code)

Chapter 6 MECHANICAL CODE

9-6-1: ADOPTION OF CODE:

The international mechanical code, 2006, is hereby adopted by reference thereto as if fully set forth herein, save and except such portions as are hereinafter deleted, modified or amended, three (3) copies of which are on file in the office of the village clerk. (1997 Code § 7-30; amd. 2013 Code)

Chapter 7 PROPERTY MAINTENANCE CODE

9-7-1: ADOPTION OF CODE:

That certain document, three (3) copies of which are on file in the office of the village clerk, being marked and designated as the international property maintenance code, 2006, is hereby adopted as the property maintenance code of the village, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, conditions and terms of said international property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section. (1997 Code § 7-40; amd. 2013 Code)

Chapter 8 FIRE CODE

9-8-1: ADOPTION OF CODE:

The 2006 edition of the international fire code, including appendix chapters, as published by the International Code Council, is hereby adopted in its entirety as the fire code of the village regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the village and providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of said fire code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed herein. Three (3) copies of the fire code, including appendix chapters, are on file with the village clerk. (Ord. 11-08, 4-11-2011; amd. 2013 Code)

Chapter 9 LIFE SAFETY CODE

9-9-1: ADOPTION OF CODE:

The provisions of the 2003 life safety code, as promulgated by the National Fire Protection Association, is hereby adopted in its entirety as the life safety code of the village, for any buildings and premises in the village, and providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of said life safety code are hereby referred to, adopted, and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed herein. Three (3) copies of the life safety code are on file with the village clerk. (Ord. 11-07, 4-11-2011; amd. 2013 Code)

Chapter 10

DEVELOPMENT IN FLOODPLAIN AREAS

9-10-1: STATUTE AUTHORITY; PURPOSE:

This chapter is enacted pursuant to the police powers granted to the village by the Illinois municipal code¹, in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. To make federally subsidized flood insurance available; and

- G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development. (Ord. 12-07, 3-12-2012)

9-10-2: DEFINITIONS:

For the purposes of this chapter, the following definitions are adopted:

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section [9-10-4](#) of this chapter.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING: A walled and roofed structure, including gas or liquid storage tanks, that is principally aboveground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

CRITICAL FACILITY: A. Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

- B. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous materials storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT: A. Any manmade change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, or placement of a building, or any structural alteration to a building;
2. Substantial improvement of an existing building;
3. Installation of a manufactured home on a site, preparing a site for a manufactured

home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;

4. Installation of utilities, construction of roads, bridges, and culverts or similar projects;
5. Construction or erection of levees, dams walls or fences;
6. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
7. Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of floodwaters or surface waters.

B. "Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date hereof.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal emergency management agency.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the federal emergency management agency that depicts the floodplain or special flood hazard area (SFHA) within the village. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROTECTION ELEVATION (FPE): The elevation of the base flood, plus one foot (1') of freeboard, at any given location in the floodplain.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): These two (2) terms are synonymous.

- A. Those lands within the jurisdiction of the village of Capron, the extraterritorial jurisdiction of the village of Capron, or that may be annexed into the village of Capron that are subject to inundation by the base flood.
- B. The floodplains of the village of Capron are generally identified as such on panel numbers 17007C0050C and 17007C0075C of the countywide flood insurance rate map of Boone County, Illinois, prepared by the federal emergency management agency and dated February 18, 2011.
- C. The term floodplain also includes those areas of known flooding as identified by the village.
- D. The floodplains of those parts of unincorporated Boone County that are within the extraterritorial jurisdiction of the village of Capron or that may be annexed into the village of Capron are generally identified as such on the flood insurance rate map prepared for Boone County by the federal emergency management agency and dated February 18, 2011.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOODPROOFING CERTIFICATE: A form published by the federal emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOODWAY: That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the village of Capron shall be according to the best data available from federal, state, or other sources.

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HISTORIC STRUCTURE: Any structure that is:

- A. Listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register.
- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

C. Individually listed on the state inventory of historic places by the Illinois historic preservation agency.

D. Individually listed on a local inventory of historic places that has been certified by the Illinois historic preservation agency.

IDNR/OWR: Illinois department of natural resources/office of water resources.

IDNR/OWR JURISDICTIONAL STREAM: Illinois department of natural resources/office of water resources has jurisdiction over any stream serving a tributary area of six hundred forty (640) acres or more in an urban area, or in the floodway of any stream serving a tributary area of six thousand four hundred (6,400) acres or more in a rural area. Construction on these streams requires a permit from the department (Ill. adm. title 17, section 3700.30). The department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in section [9-10-6](#) of this chapter.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of section [9-10-7](#) of this chapter.

MANUFACTURED HOME: A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.

NFIP: National flood insurance program.

NEW CONSTRUCTION: Structures for which the start of construction commenced or after the effective date hereof and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date hereof.

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicle which is:

A. Built on a single chassis.

B. Four hundred (400) square feet or less in size.

- C. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS: Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

SFHA: See definition of Floodplain And Special Flood Hazard Area (SFHA).

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: See definition of Building.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "repetitive loss" buildings as defined in this section.

SUBSTANTIAL IMPROVEMENT: A. Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements:

1. Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started; or
2. Increases the floor area by more than twenty percent (20%).

B. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

C. The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health,

sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the national register of historic places or the Illinois register of historic places.

VIOLATION: The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided. (Ord. 12-07, 3-12-2012)

9-10-3: DUTIES OF VILLAGE PRESIDENT:

The village president shall be responsible for the general administration of this chapter and shall ensure that all development activities within the floodplains under the jurisdiction of the village meet the requirements of this chapter. Specifically, the village president shall:

- A. Process development permits in accordance with section [9-10-5](#) of this chapter;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of section [9-10-6](#) of this chapter;
- C. Ensure that the building protection requirements for all buildings subject to section [9-10-7](#) of this chapter are met and maintain a record of the as built elevation of the lowest floor (including basement) or floodproof certificate;
- D. Assure that all subdivisions and annexations meet the requirements of section [9-10-8](#) of this chapter;
- E. Ensure that water supply and waste disposal systems meet the public health standards of section [9-10-9](#) of this chapter;
- F. If a variance is requested, ensure that the requirements of section [9-10-11](#) of this chapter are met and maintain documentation of any variances granted;

- G. Inspect all development projects and take any and all penalty actions outlined in section [9-10-13](#) of this chapter as necessary to ensure compliance with this chapter;
- H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;
- L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;
- M. Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and
- N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map. (Ord. 12-07, 3-12-2012)

9-10-4: BASE FLOOD ELEVATION:

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for each of the floodplains delineated as an "A zone" on the countywide flood insurance rate map of Boone County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- B. The base flood elevation for the floodplains of those parts of unincorporated Boone County that are within the extraterritorial jurisdiction of the village, or that may be annexed into the village, shall be as delineated on the 100-year flood profiles in the flood insurance study of Boone County prepared by the federal emergency management agency and dated February 18, 2011. (Ord. 12-07, 3-12-2012)

9-10-5: DEVELOPMENT PERMIT:

- A. Permit And Compliance Required: No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the village president. The village president shall not issue a development permit if the proposed development does not meet the requirements of this chapter.
- B. Application For Permit: The application for development permit shall be accompanied by:
 - 1. Drawings of the site, drawn to scale, showing property line dimensions;
 - 2. Existing grade elevations and changes in grade resulting from excavation or filling;
 - 3. The location and dimensions of all buildings and additions to buildings;
 - 4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section [9-10-7](#) of this chapter; and
 - 5. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- C. Review Of Application; Records Kept: Upon receipt of an application for a development permit, the village president shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first flood insurance rate map is not in the floodplain and, therefore, not subject to the requirements of this chapter. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as a floodplain on the current flood insurance rate map, is subject to the provisions of this chapter. The village president shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed

prior to the date of the site's first flood insurance rate map identification.

- D. Additional Required Permits: The village president shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit not required letters that may be required for this type of activity. The village president shall not issue a permit unless all other federal, state, and local permits have been obtained. (Ord. 12-07, 3-12-2012)

9-10-6: PREVENTING INCREASED FLOOD HEIGHTS AND DAMAGES:

Within any floodway identified on the countywide flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in subsection B of this section, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the IDNR/OWR statewide permit number 2.
 2. Barge fleeting facilities meeting the conditions of IDNR/OWR statewide permit number 3.
 3. Aerial utility crossings meeting the conditions of IDNR/OWR statewide permit number 4.
 4. Minor boat docks meeting the conditions of IDNR/OWR statewide permit number 5.
 5. Minor nonobstructive activities such as underground utility lines, light poles, signposts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding seventy (70) square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR statewide permit number 6.
 6. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR statewide permit number 7.
 7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR statewide permit number 8.
 8. Bank stabilization projects meeting the conditions of IDNR/OWR statewide permit number 9.
 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR statewide permit number 10.
 10. Minor maintenance dredging activities meeting the conditions of IDNR/OWR statewide

permit number 11.

11. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR statewide permit number 12.
12. Temporary construction activities meeting the conditions of IDNR/OWR statewide permit number 13.

Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

- B. Other development activities not listed in subsection A of this section may be permitted only if:
1. A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
 2. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation. (Ord. 12-07, 3-12-2012)

9-10-7: PROTECTING BUILDINGS:

- A. Application Of Provisions: In addition to the state permit and damage prevention requirements of section [9-10-6](#) of this chapter, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet.
 2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged, the entire structure must meet the flood protection standards of this section within twenty four (24) months of the date the damage occurred.
 4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.)

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
6. "Repetitive loss" to an existing building as defined in section [9-10-2](#) of this chapter.

B. Residential Or Nonresidential Buildings:

1. Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:
 - a. The building may be constructed on permanent land fill in accordance with the following:
 - (1) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (2) The fill shall be placed in layers no greater than six inches (6") before compaction and should extend at least ten feet (10') beyond the foundation before sloping below the flood protection elevation;
 - (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (4) The fill shall be composed of rock or soil and not incorporated debris or refuse material; and
 - (5) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and, when necessary, stormwater management techniques such as swales or basins shall be incorporated.
 - b. The building may be elevated on solid walls in accordance with the following:
 - (1) The building or improvements shall be elevated on stilts, piles, walls, crawl space, or other foundation that is permanently open to floodwaters;
 - (2) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - (3) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot (1') above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation; and
 - (4) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - (A) All structural components below the flood protection elevation shall be

constructed of materials resistant to flood damage;

(B) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation, provided they are waterproofed;

(C) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space; or

(D) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

c. The building may be constructed with a crawl space located below the flood protection elevation; provided, that the following conditions are met:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot (1') above grade;

(3) The interior grade of the crawl space below the flood protection elevation must not be more than two feet (2') below the lowest adjacent exterior grade;

(4) The interior height of the crawl space measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet (4') at any point;

(5) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event;

(6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(7) Utility systems within the crawl space must be elevated above the flood protection elevation.

2. Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation), provided a licensed professional engineer or architect certifies that:

a. Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

b. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

c. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

d. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection B2.

- C. Permanent Manufactured Homes Or Travel Trailers: Manufactured homes or travel trailers to be permanently installed on site shall be:
1. Elevated to or above the flood protection elevation in accordance with subsection B1 of this section; and
 2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois mobile home tie-down act issued pursuant to 77 Illinois administrative code part 870.
- D. Travel Trailers And Recreational Vehicles: Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of subsection C of this section unless the following conditions are met:
1. The vehicle must be either self-propelled or towable by a light duty truck;
 2. The hitch must remain on the vehicle at all times;
 3. The vehicle must not be attached to external structures such as decks and porches;
 4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;
 5. The vehicle's largest horizontal projections must be no larger than four hundred (400) square feet;
 6. The vehicle's wheels must remain on axles and inflated;
 7. Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain;
 8. Propane tanks as well as electrical and sewage connections must be quick disconnect;
 9. The vehicle must be licensed and titled as a recreational vehicle or park model; and
 10. Must either:
 - a. Be entirely supported by jacks; or
 - b. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by a block in a manner that will allow the block to be easily removed by use of the hitch jack.
- E. Garages, Sheds Or Other Minor Accessory Structures: Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted, provided the following conditions are met:
1. The garage or shed must be nonhabitable.

2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one foot (1') above grade with one square inch of opening for every one square foot of floor area.
8. The garage or shed must be less than fifteen thousand dollars (\$15,000.00) in market value or replacement cost, whichever is greater, or less than five hundred seventy six (576) square feet (24 feet by 24 feet).
9. The structure shall be anchored to resist flotation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications. (Ord. 12-07, 3-12-2012)

9-10-8: SUBDIVISION AND OTHER DEVELOPMENT REQUIREMENTS:

- A. The village shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.
- B. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of sections [9-10-6](#) and [9-10-7](#) of this chapter. Any proposal for such development shall include the following data:
 1. The base flood elevation and the boundary of the floodplain; where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 2. The boundary of the floodway when applicable; and

3. A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the plat act².

C. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds. (Ord. 12-07, 3-12-2012)

9-10-9: PUBLIC HEALTH AND OTHER STANDARDS:

A. Public health standards must be met for all floodplain development. In addition to the requirements of sections [9-10-6](#) and [9-10-7](#) of this chapter, the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of section [9-10-7](#) of this chapter.
2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
4. New and replacement on site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other aboveground openings located below the flood protection elevation shall be watertight.
5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet (3') above the level of the 100-year flood frequency elevation, whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages. (Ord. 12-07, 3-12-2012)

9-10-10: CARRYING CAPACITY AND NOTIFICATION:

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the village shall notify adjacent communities, in writing, thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse. (Ord. 12-07, 3-12-2012)

9-10-11: VARIANCES:

- A. Authority; General Provisions: Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the village board of trustees for a variance. The village president and board of trustees shall review the applicant's request for a variance. The village president and board of trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter. As used in this section, the term "variance" shall not and does not have the same meaning as it relates to zoning matters, and the procedures for a variance under this section shall not be governed by those rules and regulations pertaining to obtaining zoning variances.
- B. Standards For Variance Request: No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
1. The development activity cannot be located outside the floodplain;
 2. An exceptional hardship would result if the variance were not granted;
 3. The relief requested is the minimum necessary;
 4. There will be no additional threat to public health or safety or creation of a nuisance;
 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
 7. All other state and federal permits have been obtained.
- C. Variances From Specific Provisions:
1. Building Protection Standards Generally: The village president and board of trustees shall notify an applicant in writing that a variance from the requirements of the building protection standards of section [9-10-7](#) of this chapter that would lessen the degree of protection to a building will:

- a. Result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage;
 - b. Increase the risk to life and property; and
 - c. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge, in writing, the assumption of the risk and liability.
2. Historic Structures: Variances to the building protection requirements of section [9-10-7](#) of this chapter which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in the term "historic structure" in section [9-10-2](#) of this chapter may be granted using criteria more permissive than the requirements of sections [9-10-6](#) and [9-10-7](#) of this chapter, subject to the conditions that:
- a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.
3. Agriculture: Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at grade and wet floodproofed:
- a. All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farmhouses, cannot be considered agricultural structures.
 - b. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the village flood insurance rate map (FIRM).
 - c. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood resistant materials in accordance with section [9-10-7](#) of this chapter.
 - d. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section [9-10-7](#) of this chapter. All of the building's structural components must be capable of resisting specific flood related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 - e. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section [9-10-7](#) of this chapter.

- f. The NFIP requires that enclosure of foundation walls subject to the 100-year flood contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection [9-10-7B1](#) of this chapter.
- g. The agricultural structures must comply with the floodplain management floodway provisions of section [9-10-6](#) of this chapter. No variances may be issued for agricultural structures within any designated floodway. (Ord. 12-07, 3-12-2012)
- h. Wet floodproofing construction techniques must be reviewed and approved by the village president and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. 12-07, 3-12-2012; amd. 2013 Code)

9-10-12: DISCLAIMER OF LIABILITY:

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully hereunder. (Ord. 12-07, 3-12-2012)

9-10-13: VIOLATION; PENALTIES:

- A. Violation: Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter.
- B. Determination And Notice Of Violation: Upon due investigation, the engineer for the village may determine that a violation of the minimum standards of this chapter exists. The engineer for the village shall notify the owner in writing of such violation.
- C. Injunction And Penalty: If such owner fails, after ten (10) days' notice, to correct the violation:
 - 1. The village shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter; (Ord. 12-07, 3-12-2012)

2. Any person who violates this chapter shall, upon conviction thereof, be fined as provided in section [1-4-1](#) of this code for each offense; (Ord. 12-07, 3-12-2012; amd. 2013 Code)
 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and
 4. The village shall record a notice of violation on the title of the property.
- D. Insurance Suspension: The engineer for the village shall inform the owner that any such violation is considered a wilful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended.
- E. Suspension Of Development:
1. Stop Work Order: The engineer for the village is authorized to issue an order requiring the suspension of the subject development. The stop work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop work order. The stop work order constitutes a suspension of the permit.
 2. Hearing:
 - a. No site development permit shall be permanently suspended or revoked until a hearing is held by the village president and board of trustees. Written notice of such hearing shall be served on the permittee and shall state:
 - (1) Grounds for the complaint and reasons for suspension or revocation; and
 - (2) The time and place of the hearing.
 - b. At such hearing, the permittee shall be given an opportunity to present evidence on his behalf. At the conclusion of the hearing, the village president and board of trustees shall determine whether the permit shall be suspended or revoked.
- F. Other Remedies: Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. 12-07, 3-12-2012)

9-10-14: ABROGATION AND GREATER RESTRICTIONS:

This chapter repeals and replaces other ordinances adopted by the village to fulfill the requirements of the national flood insurance program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program, nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

Where this chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 12-07, 3-12-2012)