



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3030

Introduced 1/20/2006, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

20 ILCS 3918/55 rep.

55 ILCS 5/5-1063

55 ILCS 5/5-1064

65 ILCS 5/1-2-3.1 rep.

from Ch. 34, par. 5-1063

from Ch. 34, par. 5-1064

Amends the Illinois Municipal Code. Provides that certain municipalities may (now, must) provide information about any proposed ordinance to adopt a building code or an amendment to its existing building code to the Illinois Building Commission for publication on the State of Illinois website. Repeals a Section of the Illinois Building Commission Act that provides that certain municipalities and counties are required to provide information about any proposed ordinance to adopt a building code or an amendment to its existing building code, at least 30 days prior to adoption, to the Illinois Building Commission for publication on the State of Illinois website. Amends the Counties Code. Provides that certain counties may (now, must) provide information about any proposed ordinance to adopt a building code or an amendment to its existing building code, at least 30 days prior to adoption, to the Illinois Building Commission for publication on the State of Illinois website. Makes conforming changes. Effective immediately.

LRB094 15369 AJ0 50560 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 (20 ILCS 3918/55 rep.)

5 Section 5. The Illinois Building Commission Act is amended
6 by repealing Section 55.

7 Section 10. The Counties Code is amended by changing
8 Sections 5-1063 and 5-1064 as follows:

9 (55 ILCS 5/5-1063) (from Ch. 34, par. 5-1063)

10 Sec. 5-1063. Building construction, alteration and
11 maintenance. For the purpose of promoting and safeguarding the
12 public health, safety, comfort and welfare, a county board may
13 prescribe by resolution or ordinance reasonable rules and
14 regulations (a) governing the construction and alteration of
15 all buildings, structures and camps or parks accommodating
16 persons in house trailers, house cars, cabins or tents and
17 parts and appurtenances thereof and governing the maintenance
18 thereof in a condition reasonably safe from hazards of fire,
19 explosion, collapse, electrocution, flooding, asphyxiation,
20 contagion and the spread of infectious disease, where such
21 buildings, structures and camps or parks are located outside
22 the limits of cities, villages and incorporated towns, but
23 excluding those for agricultural purposes on farms including
24 farm residences, but any such resolution or ordinance shall be
25 subject to any rule or regulation heretofore or hereafter
26 adopted by the State Fire Marshal pursuant to "An Act to
27 regulate the storage, transportation, sale and use of gasoline
28 and volatile oils", approved June 28, 1919, as amended; (b) for
29 prohibiting the use for residential purposes of buildings and
30 structures already erected or moved into position which do not
31 comply with such rules and regulations; and (c) for the

1 restraint, correction and abatement of any violations.

2 In addition, the county board may by resolution or
3 ordinance require that each occupant of an industrial or
4 commercial building located outside the limits of cities,
5 villages and incorporated towns obtain an occupancy permit
6 issued by the county. Such permit may be valid for the duration
7 of the occupancy or for a specified period of time, and shall
8 be valid only with respect to the occupant to which it is
9 issued.

10 Within 30 days after its adoption, such resolution or
11 ordinance shall be printed in book or pamphlet form, published
12 by authority of the County Board; or it shall be published at
13 least once in a newspaper published and having general
14 circulation in the county; or if no newspaper is published
15 therein, copies shall be posted in at least 4 conspicuous
16 places in each township or Road District. No such resolution or
17 ordinance shall take effect until 10 days after it is published
18 or posted. Where such building or camp or park rules and
19 regulations have been published previously in book or pamphlet
20 form, the resolution or ordinance may provide for the adoption
21 of such rules and regulations or portions thereof, by reference
22 thereto without further printing, publication or posting,
23 provided that not less than 3 copies of such rules and
24 regulations in book or pamphlet form shall have been filed, in
25 the office of the County Clerk, for use and examination by the
26 public for at least 30 days prior to the adoption thereof by
27 the County Board.

28 ~~Any Beginning on the effective date of this amendatory Act~~
29 ~~of the 92nd General Assembly, any~~ county adopting a new
30 building code or amending an existing building code under this
31 Section ~~may~~ must, at least 30 days before adopting the building
32 code or amendment, provide an identification of the building
33 code, by title and edition, or the amendment to the Illinois
34 Building Commission for identification on the Internet. For the
35 purposes of this Section, "building code" means any ordinance,
36 resolution, law, housing or building code, or zoning ordinance

1 that establishes construction related activities applicable to
2 structures in the county.

3 The violation of any rule or regulation adopted pursuant to
4 this Section, ~~except for a violation of the provisions of this~~
5 ~~amendatory Act of the 92nd General Assembly and the rules and~~
6 ~~regulations adopted under those provisions,~~ shall be a petty
7 offense.

8 All rules and regulations enacted by resolution or
9 ordinance under the provisions of this Section shall be
10 enforced by such officer of the county as may be designated by
11 resolution of the County Board.

12 No such resolution or ordinance shall be enforced if it is
13 in conflict with any law of this State or with any rule of the
14 Department of Public Health.

15 (Source: P.A. 92-489, eff. 7-1-02.)

16 (55 ILCS 5/5-1064) (from Ch. 34, par. 5-1064)

17 Sec. 5-1064. Buildings in certain counties of less than
18 1,000,000 population. The county board in any county with a
19 population not in excess of 1,000,000 located in the area
20 served by the Northeastern Illinois Metropolitan Area Planning
21 Commission may prescribe by resolution or ordinance reasonable
22 rules and regulations (a) governing the construction and
23 alteration of all buildings and structures and parts and
24 appurtenances thereof and governing the maintenance thereof in
25 a condition reasonably safe from the hazards of fire,
26 explosion, collapse, contagion and the spread of infectious
27 disease, but any such resolution or ordinance shall be subject
28 to any rule or regulation now or hereafter adopted by the State
29 Fire Marshal pursuant to "An Act to regulate the storage,
30 transportation, sale and use of gasoline and volatile oils",
31 approved June 28, 1919, as amended, (b) for prohibiting the use
32 for residential purposes of buildings and structures already
33 erected or moved into position which do not comply with such
34 rules and regulations, and (c) for the restraint, correction
35 and abatement of any violations. However, the county shall

1 exempt all municipalities located wholly or partly within the
2 county where the municipal building code is equal to the county
3 regulation and where the local authorities are enforcing the
4 municipal building code. Such rules and regulations shall be
5 applicable throughout the county but this Section shall not be
6 construed to prevent municipalities from establishing higher
7 standards nor shall such rules and regulations apply to the
8 construction or alteration of buildings and structures used or
9 to be used for agricultural purposes and located upon a tract
10 of land which is zoned and used for agricultural purposes.

11 In the adoption of rules and regulations under this Section
12 the county board shall be governed by the publication and
13 posting requirements set out in Section 5-1063.

14 ~~Any Beginning on the effective date of this amendatory Act~~
15 ~~of the 92nd General Assembly, any~~ county adopting a new
16 building code or amending an existing building code under this
17 Section ~~may~~ ~~must~~, at least 30 days before adopting the building
18 code or amendment, provide an identification of the building
19 code, by title and edition, or the amendment to the Illinois
20 Building Commission for identification on the Internet.

21 For the purposes of this Section, "building code" means any
22 ordinance, resolution, law, housing or building code, or zoning
23 ordinance that establishes construction related activities
24 applicable to structures in the county.

25 Violation of any rule or regulation adopted pursuant to
26 this Section, ~~except for a violation of the provisions of this~~
27 ~~amendatory Act of the 92nd General Assembly and the rules and~~
28 ~~regulations adopted under those provisions,~~ shall be deemed a
29 petty offense.

30 All rules and regulations enacted by resolution or
31 ordinance under the provisions of this Section shall be
32 enforced by such officer of the county as may be designated by
33 resolution of the county board.

34 (Source: P.A. 92-489, eff. 7-1-02.)

1 Section 15. The Illinois Municipal Code is amended by
2 repealing Section 1-2-3.1.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.