

**ORDINANCE NO. 2010-O-11**

**AN ORDINANCE AMENDING THE WILMETTE VILLAGE CODE, 1993, AS AMENDED, AMENDING SECTION 9-7, "FIRE PREVENTION," TO INCORPORATE BY REFERENCE CERTAIN MODEL FIRE, ACCESSIBILITY, MECHANICAL, LIFE SAFETY AND ENERGY CODES AND AMENDING REFERENCES TO SAID CODES**

**WHEREAS**, the Village President and Board of Trustees (hereinafter collectively referred to as the "Village Board") of the Village of Wilmette, Cook County, Illinois (hereinafter the "Village"), find that the Village is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare, including exercising the power to tax; and,

**WHEREAS**, the Village Board further finds that certain model fire, accessibility, life safety, mechanical and energy codes that may be adopted by municipalities; and,

**WHEREAS**, the Village Board further finds that adoption of said model codes by this Ordinance provides for the protection of the public health, safety, morals and welfare, and is otherwise in the public interest; and,

**WHEREAS**, the Village Board further finds that certain residential properties must have additional protection against fire when constructed with certain light weight materials that tend to burn more quickly than solid lumber and it is therefore in the public interest to require an approved automatic fire sprinkler system in all homes constructed with such materials; and

**WHEREAS**, the Village Board further encourages that all residential properties have an approved automatic fire sprinkler system installed and that when such a system is not mandatory

the voluntary installation of such a system must be constructed in accord with the standards set forth in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Wilmette, Cook County, Illinois, as follows:

**SECTION 1:** The foregoing findings and recitals, and each of them, are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

**SECTION 2:** The Wilmette Village Code, 1993, as amended, is further amended in Chapter 9, "Housing and Building Regulations," by amending Subsection 9-7.1 in its entirety in the manner and form shown below, so that said Subsection shall hereafter provide as follows:

9-7 FIRE PREVENTION

9-7.1 FIRE PREVENTION CODE ADOPTED.

(a) The 2006 International Fire Code, and subsequent amendments thereto, three copies of which shall be kept on file with the Village Clerk, shall be and the same is hereby adopted by reference as the Fire Prevention Code of the Village of Wilmette, as fully as if set out at length herein, save and except the following deletions, modifications or amendments thereto:

(b) "Village of Wilmette" shall be inserted wherever the words "name of jurisdiction" appears.

(c) Section 104.3 is hereby deleted and replaced with the following:

"SECTION 104.3 Right of Entry. The Fire Chief, Fire Prevention Bureau, Village Manager or their duly authorized representatives are hereby authorized to make inspections of all buildings, structures, and premises located within the village to determine their compliance with the provisions of this code. For the purpose of making such inspection, the Fire Chief or the Fire Prevention Bureau and their authorized representatives are hereby authorized to examine and survey all buildings, structures, and premises within the village. Such inspections shall be made between the hours of 8:00 a.m. and 8:00 p.m. on any days except Sunday, or as otherwise deemed necessary, subject to the following standards and conditions.

(a) Such inspection may take place only if a complaint respecting said premises has been received by the Fire Chief or the Fire Prevention Bureau, and such complaint, in the opinion of said Fire Chief, provides reasonable grounds for belief that a violation exists, or such inspection is undertaken as part of a regular inspection program whereby

certain areas of the village are being inspected in their entirety at the direction of the Fire Chief, the Fire Prevention Bureau, or the Village Manager;

(b) Any person making such inspection shall furnish to the owner or occupant of the structure sought to be inspected, sufficient identification and information to enable the owner or occupant to determine that he or she is a representative of the Village of Wilmette, and to determine the purpose of said inspection.

(1) The Fire Chief, the Fire Prevention Bureau, the Village Manager, or any duly authorized representative at the direction of any of said officers, may apply to any court of competent jurisdiction for an administrative search warrant or other legal process for the purpose of securing entry to any premises, if the owner shall refuse to grant entry.

(c) The fees for permits and licenses required by the fire prevention code shall be fixed by the Board of Trustees. The general penalty provision of Section 1-12 of this Village Code shall apply.

(d) Where any provisions of such fire prevention code are in conflict with other laws, then the provisions of this municipal code or other ordinances of the village, state law, the provisions of the Village Code and such village ordinances shall prevail.

(d) Section 105.6.31 is deleted and replaced with the following:

105.6.31 Open Flames and Torches. An operational permit is required from the Fire Department to use a torch or open flame device in a hazardous fire area; or to use open flame devices in assembly areas, dining areas of restaurants or drinking establishments. Removal of paint with any open flame device from any wood surface (including all Class A combustible surfaces), whether located on the interior or exterior of a building, is prohibited.

(e) Section 106.1 is hereby deleted.

(f) Section 108 is deleted and replaced with the following:

108 Appeals. All appeals shall be made to the Fire Chief, as described under Sections 9-7.3 and 9-7.4 of the Village of Wilmette Fire Prevention Code. An applicant may appeal a decision of the Fire Chief to the Board of Trustees as described under Section 9-7.4.

(g) Section 109.3 shall be amended as follows: insert the word “violation,” where the words “SPECIFY VIOLATION” appear; in the number “\$750” where the word “AMOUNT” appears; remove “or by imprisonment not exceeding [NUMBER OF DAYS}, or both such fine and imprisonment.”

(h) Section 111.4 shall be amended by removing “of not less than [amount] dollars or more than [amount] dollars” and by adding “as set forth in Section 1-12.1 of the Wilmette Village Code.”

- (i) Section 307.4.1 is amended to read “Bon fires are prohibited.”
- (j) Section 307.4.2 is amended to read “Recreational fires are prohibited.”
- (k) Section 506, Key Boxes, is deleted and replaced by a new Section 506:

1. 506.1 General: Every structure, except one and two family dwellings and townhouses, that is protected by an automatic fire alarm system and/or an automatic fire sprinkler system, and access to, or within a structure, or an area of the premises, is unduly difficult because of secured openings, and where immediate access is necessary for life-saving or firefighting purposes, the Fire Chief may require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Chief.

2. 506.2 Key Box Maintenance. The operator of the building shall immediately notify the code official and provide the new key, when a lock is changed or re-keyed. The key to such lock shall be secured in the key box.

3. 506.3 Contents. The key box shall contain:

- (a) Keys to locked points of ingress, whether on the interior or exterior of such buildings.
- (b) Keys to locked mechanical equipment rooms.
- (c) Keys to locked electrical rooms.
- (d) Keys to other areas, as directed by the Fire Chief.

- (l) Section 902.1, definition of Fire Area is deleted and replaced as follows:

Fire Area: the aggregate floor area bounded by the exterior walls of a building; regardless of fire walls, fire barriers, or fire resistance-rated horizontal assemblies.

- (m) 903.2.1 through 903.2.10.3 are deleted and replaced as follows:

All buildings of all use groups, regardless of square footage, shall be protected with an automatic fire sprinkler system installed per NFPA 13.13 R or 13D. Provide all spec warehouse buildings (use groups S or F) with a ceiling roof height of 25 feet or greater to be protected with an ESFR fire sprinkler system or a hydraulically calculated system for class IV commodities with rack storage calculated to the greatest storage height. All sprinkler systems, in all buildings and structures, except one and two family dwellings and townhouses, shall be electronically supervised by a fire alarm system.

Exceptions: The following shall not require the installation of an automatic fire sprinkler system: (1) one and two family dwellings and townhouses where installation of an automatic fire sprinkler system is not mandatory as set forth in Section 9.3.2 of this Code; (2), structures accessory to one and two family dwellings and townhouses which are exempt as set forth in (1) above; (3) detached garages, sheds, accessory or out buildings that are less than 100 square feet

and ten (10) feet or more away from a principal structure of one and two family dwellings and townhouses or in residential zoned districts

(n) Section 903.3.5 shall be amended to read as follows:

“Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be Illinois State Plumbing Code. Hydrant water flow data used for the design of any sprinkler system shall be obtained with approval of the Fire Department by the contractor and shall be no more than one (1) year old.”

(o) Section 903.3.8 - 903.3.8.11 shall be created as a new section titled “Additional Village of Wilmette Requirements” as follows:

903.3.8 “Additional Village of Wilmette Requirements”

903.3.8.1 “Provide a minimum 10% minimum safety factor in the fire protection system hydraulic calculation. The system demand shall be 5 psi minimum below the seasonal low water flow test supply.”

903.3.8.2 “Provide an outside audio/visual device over the fire department connection.”

903.3.8.3 “Alarm indicating appliances audio/visual devices: Shall be provided, seen and heard in all areas of every building per NFPA 72. All sprinklered buildings shall be provided with occupant notification devices. This will provide full building notification per NFPA 72.”

903.3.8.4 “Fire sprinkler system inspectors test valves shall be accessible at all times and located no more than six (6) feet above the finished floor. On multiple riser systems test valves shall be marked as to which riser and area it tests.”

903.3.8.5 “In multiple story buildings, provide floor control valves with water flow switches for each floor or each fire zone.”

903.3.8.6 “Where automatic sprinklers provide protection to an area with an approved flow switch interconnected to the fire alarm system, and the area is easily identifiable as to the location of the activation, additional automatic detectors are not required. When a building has numerous rooms protected by the zoned sprinkler system, the fire department may require additional smoke detectors for a more rapid means to identify the location of smoke or fire.”

903.3.8.7 “All references to NFPA standards are to be considered part of this code.”

903.3.8.8 “Fire Sprinkler System; Fire pump test header.

- (1) Add “Provide an OS&Y control valve on all fire pump test headers.”
- (2) Add “Provide an outside test header on fire pump installations.”

903.3.8.9 “Fire hydrants shall be provided around the perimeter of a building in 300’ increments. Also a fire hydrant shall be located within 100’ of the fire department connection on the fire protection water supply to the building.”

903.3.8.10 “Provide an outside access door to the sprinkler riser valve room and fire pump room.”

903.3.8.11 “Provide a minimum one (1) hour separation of sprinkler valve room and/or fire pump room.”

- (p) Section 905.11 is deleted and replaced as follows:

905.11 Standpipes required: All buildings or structures, or portions thereof exceeding two (2) stories above grade, regardless of area per floor or use group, except one (1) or two (2) family residences, must have standpipes.

- (q) Section 907.1.2 is amended to read:

“Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All fire alarm systems shall be of the addressable type and shall be installed per NFPA 72.”

- (r) Section 907.2 is deleted and replaced with:

907.2 Where required: An approved manual, automatic or manual and automatic fire alarm system shall be provided in all Use Groups.

The specific requirements in the 2006 International Building Code/International Fire Code Section 907.2.6 for Use Group I shall remain.

Exception: One and two family dwellings and townhouses.

An approved automatic fire detection system shall be installed in all Use Groups, not provided with an automatic sprinkler system, and in accordance with NFPA 72. Devices, combination of devices, appliances, and equipment shall comply with Section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where during normal operation products of combustion are presenting sufficient quantity to activate a smoke detector.”

All fire alarm control panels or full function annunciator panels shall be installed within 10 feet of the main entrance, or in a location approved by the Fire Department.

- (s) Section 907.10.1 shall be amended by adding the following:

“Multi-tenant Use Group M buildings will be “ring by tenant” activated by the fire, a fire sprinkler system flow switch for that space or automatic fire detection and shall include a weatherproof clear outside strobe over the entrance to each tenant space as directed by the fire department. All outside strobes shall be 75 candela minimum.”

- (t) Section 912.1.1 shall be created as a new section as follows:

912.1.1 All fire department connections shall be a 5” Storz connection with 30 degree downturn (Storz only).

- (u) Section 1006.3.1 shall be created as a new section as follows:

1006.3.1 All rooms containing the building fire sprinkler riser(s), fire pump(s), and fire alarm control panel(s) shall be provided with approved emergency lighting.

- (v) Section 3404.2.9 is deleted and replaced as follows:

Section 3404.2.9, Above-Ground Storage Tanks, General: Combustible liquid storage tanks of any capacity installed above ground shall comply with this chapter. No flammable or Class 1 liquids are allowed to be stored in above-ground tanks.

- (w) Chapter 38 is deleted and replaced as follows:

Chapter 38 Liquefied Petroleum Gases: The bulk storage of liquified petroleum gases is prohibited in the Village of Wilmette.

- (x) Section 3801 shall be created as a new section as follows:

Section 3801, Liquefied Petroleum Gas Motor Fuel: The storage, handling and dispensing of LP Gas as a motor fuel is strictly prohibited.

- (y) Appendix B, Fire-flow Requirements for Buildings, is adopted.

(z) The following NFPA standards, as published by the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, shall be adopted by reference as code for the Village of Wilmette:

- (1) NFPA 14, Standpipe and hose systems, 2007 edition.

- (2) NFPA 20, Installation of Stationary Pumps for Fire Protection, 2007 edition.

- (3) NFPA 25, Inspection, Testing and Maintenance of Water Based Fire Protection Systems, 2008 edition.

(4) NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2004 edition.

(5) NFPA 231, General Storage, 1998 edition.

(6) NFPA 231C, Rack Storage, 1998 edition.

(7) NFPA 231D, Storage of Rubber Tires, 1998 edition.

(8) NFPA 30B, Manufacturer and Storage of Aerosol Products, 2002 edition.

(85-O-7, 4/16/85; 90-O-86, 12/4/90; 95-O-88, 11/28/95; 2003-O-73, 10/28/03; 2007-O-18, 2/13/07)

**SECTION 3:** The Wilmette Village Code, 1993, as amended, is further amended in Chapter 9, "Housing and Building Regulations," by amending Subsections 9-7.2 and 9-7.3, in the manner and form shown below with additions being underlined and deletions being shown in strikethrough text, so that said Subsections shall hereafter provide as follows:

#### 9-7.2 FIRE PREVENTION BUREAU.

**(a)** ~~The fire prevention code~~ **Fire Prevention Code of the Village of Wilmette, as adopted herein** shall be enforced by the Fire Prevention Bureau in the Fire Department of the village, which bureau is hereby established and shall be operated under the supervision of the Fire Chief, who shall be head of the bureau. The Fire Prevention Bureau shall consist of the Fire Chief, the Deputy Fire Chief, the Duty Chiefs of the Fire Department, **the Assistant to the Fire Chief**, and such other Fire Department personnel as may be so designated by the Fire Chief.

**(b)** The Fire Chief may detail such members of the Fire Department as inspectors as shall from time to time be necessary.  
(98-O-99, 12/8/98)

#### 9-7.3 MODIFICATIONS OF CODE.

The Fire Chief shall have the power to modify any of the provisions of **The Fire Prevention Code of the Village of Wilmette, as adopted**, adopted by this chapter, upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of ~~fire prevention code~~ **The Fire Prevention Code of the Village of Wilmette, as adopted**; provided that the spirit of the ~~fire prevention code~~ **The Fire Prevention Code of the Village of Wilmette, as adopted** shall be observed, public safety secured and substantial justice done. The particulars of such

modification when granted or allowed and the decision of the Fire Chief thereon shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.

**SECTION 4:** The Wilmette Village Code, 1993, as amended, is further amended in Chapter 9, "Housing and Building Regulations," by amending Subsection 9-7.6 in its entirety in the manner and form shown below, so that said Subsection shall hereafter provide as follows:

#### 9-7.6 LIFE SAFETY CODE.

The NFPA 101 Life Safety Code 2006 Edition, and subsequent amendments thereto, shall be and the same is hereby adopted by reference as the Life Safety Code of the Village of Wilmette, as fully as if set out at length herein, three copies of which shall be kept on file with the Village Clerk.

(85-O-7, 4/16/85; 90-O-86, 12/4/90; 95-O-88, 11/28/95; 97-O-100, 11/11/97; 2003-O-73, 10/28/03)

- (a) Section 24.3.5 is hereby deleted in its entirety
- (b) Section 24.3.5.1 is hereby deleted in its entirety
- (c) Sections 24.3.5.2 is hereby deleted in its entirety

(d) An approved automatic fire sprinkler system shall be installed in all new one- and two-family dwellings and townhouses in accordance with Section 903.3.1 of the International Building Code, Section 903 *et. seq.* of the Fire Prevention Code of the Village of Wilmette as adopted and the other applicable standards set forth by the Village if light weight frame construction is used in new construction:

**Light weight frame construction** shall be defined as a type of construction whose vertical and horizontal structural elements are primarily formed by a system of repetitive wood or cold-formed steel framing members. The wood elements are comprised of engineered structure elements such as trusses, glue laminated beams, truss-type open-web or perforated floor joists; I-joists, structural composite lumber, structural insulated panels, and wood structural panels. Traditional milled or sawn-cut dimensional lumber such as "2x4", "2x6", "2x8", "2x10" and continuing are not considered as lightweight frame construction.

(e) An approved automatic fire sprinkler system may be installed in all new one- and two-family dwellings and townhouses in accordance with Section 903.3.1 of the International Building Code, Section 903 *et. seq.* of the Fire Prevention Code of the Village of Wilmette as adopted and the other applicable standards set forth by the Village for construction not using light weight frame construction.

Where the installation of an automatic fire sprinkler system is not made mandatory by this code, the voluntary installation of an automatic fire sprinkler system must still be in accordance with Section 903.3.1 of the International Building Code, Section 903 *et. seq.* of the Fire Prevention Code of the Village of Wilmette as adopted and the other applicable standards set forth by the Village.

**SECTION 5:** The Wilmette Village Code, 1993, as amended, is further amended in Chapter 9, “Housing and Building Regulations,” by amending Subsection 9-7.7 in its entirety in the manner and form shown below, so that said Subsection shall hereafter provide as follows:

9-7.7 MECHANICAL CODE.

The 2006 International Mechanical Code, and subsequent amendments thereto shall be and the same is hereby adopted by reference as the Mechanical Code of the Village of Wilmette, as if fully set forth herein, three copies of which shall be kept on file with the Village Clerk. (85-O-7, 4/16/85; 90-O-86, 12/4/90; 95-O-88, 11/28/95)

- a. “Village of Wilmette” shall be inserted wherever the words “name of jurisdiction” appears.
- b. Section 106.5.2 is hereby amended in its entirety as follows: The fees for any permit associated with any mechanical work, as required by this code, shall be as indicated by the Village Code of Wilmette.
- c. Section 106.5.3 is hereby repealed
- d. Section 108.4 shall be amended by inserting the word “violation,” where the words “SPECIFY VIOLATION” appear; insert the number “\$750” where the word “AMOUNT” appears; and removing “~~or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~”
- e. Section 108.5 shall be amended by removing “~~of not less than [amount] dollars or more than [amount] dollars~~” and by adding “as set forth in Section 1-12.1 of the Wilmette Village Code.”
- f. Section – 121 “Means of Appeals” is deleted and replaced as follows:

Section 121 Appeals. All appeals are to be made to the Building Code Board of Appeals.  
(90-O-86, 12/4/90; 95-O-88, 11/28/95)

**SECTION 6:** The Wilmette Village Code, 1993, as amended, is further amended in Chapter 9, “Housing and Building Regulations,” by amending Subsection 9-7.8 in its entirety in the manner and form shown below, so that said Subsection shall hereafter provide as follows:

9-7.8 ACCESSIBILITY CODE.

The Illinois Accessibility Code (for the handicapped), April 24, 1997 Edition, shall be and the same is hereby adopted by reference as the Accessibility Code of the Village of Wilmette as if fully set forth herein, three copies of which shall be kept on file with the Village Clerk.  
(90-O-86, 12/4/90)

**SECTION 7:** The Wilmette Village Code, 1993, as amended, is further amended in Chapter 9, “Housing and Building Regulations,” by adding a new Subsection 9-7.9 in its entirety in the manner and form shown below, so that said Subsection shall hereafter provide as follows:

9-7.9 ENERGY CONSERVATION CODE.

The 2009 International Energy Conservation Code, and subsequent amendments thereto shall be and the same is hereby adopted by reference as Energy Conservation Code of the Village of Wilmette, as if fully set forth herein, three copies of which shall be kept on file with the Village Clerk.

- (a) “Village of Wilmette” shall be inserted wherever the words “name of jurisdiction” appears.
- (b) Section 107.2 is hereby amended in its entirety as follows: The fees for any permit associated with any energy conservation work, as required by this code, shall be as indicated by the Village Code of Wilmette.
- (c) Section 108.4 Insert the number “\$50” and “\$750” respectively where the words “AMOUNT” appear.”

**SECTION 8:** The Wilmette Village Code, 1993, as amended, is further amended in Chapter 12, “Miscellaneous Offenses,” by amending Subsection 12-23.7 in the manner and form shown below with additions being underlined and deletions being show in strikethrough text, so that said Subsection shall hereafter provide as follows:

No portion of this Section 12-23 shall be deemed to supersede any portion of Chapter 9, Section ~~7~~, “~~Fire Prevention of this Code, or the BOCA National Fire Prevention Code incorporated by reference therein~~” **The Fire Prevention Code of the Village of Wilmette Code, as adopted.** In the event of any inconsistency between the provisions of this Section 12-23 and any of the provisions of Section 9-~~76~~, the provisions of Section 9-~~76~~ shall control.

**SECTION 9:** This Ordinance shall be in full force and effect from its passage, approval and publication as provided by law, and shall be applicable to all permits applied for on or after August 1, 2010.

**PASSED** by the President and Board of Trustees of the Village of Wilmette, Illinois, on the 11<sup>th</sup> day of May, 2010, according to the following roll call vote:

**AYES:** **Trustees Swanson, Basil, Krueger and President Canning.**

**NAYS:** **Trustees Terman and McKenna.**

**ABSTAIN:** **None.**

**ABSENT:** **Trustee Spillers.**

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Clerk of the Village of Wilmette, IL

**APPROVED** by the President of the Village of Wilmette, Illinois, this 11<sup>th</sup> day of May, 2010.

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President of the Village of Wilmette, IL

**ATTEST:**

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Clerk of the Village of Wilmette, IL