

**MINUTES**  
**BUILDING BOARD OF APPEALS MEETING**  
November 17, 2021

**Call to Order and Roll Call**

The meeting was called to order at 6:32 p.m. by Building Board of Appeals (BBA) Chairman Thomas Bredfeldt.

Roll was called. Present: BBA Members Pope, Stahr, Tuscher, Rooney, Clark and Beck, and Chairman Bredfeldt.

**Approval of Meeting Minutes**

Following a motion by Clark, seconded by Tuscher, to approve the draft minutes of the August 25, 2021, the motion carried by roll call vote.

**Review of State Codes and Federal Acts Concerning Regulation of Construction**

Chairman Bredfeldt announced the evening's agenda, a review of State codes and Federal acts concerning regulation of construction, saying four are to be considered tonight. He announced that Village Building and Zoning Official Steve Witt would be giving a presentation on the agenda item.

Mr. Witt declared that discussion of three codes and a set of standards and would occur until 7 p.m. and that a follow-up meeting would be set to discuss remaining material. He added that he and member Beck would leave the meeting at 7, at which time the contractors forum will begin. In the interest advancing the process of updating Village Building Codes, Mr. Witt said he would first review several codes and standards for which Staff is not recommending amendments. Additionally, he said, the BBA needs to discuss the status of the Illinois Plumbing Code (which was previously amended and adopted).

**The Illinois Plumbing Code**

The Illinois Plumbing Code, Mr. Witt explained, regulates the design and installation of new plumbing or plumbing systems and the alteration of plumbing systems, whether residential or commercial. The rules, he continued, do not apply to existing buildings, unless the plumbing or plumbing system is being altered, the building use is being changed, or the existing plumbing system creates a health or safety hazard to the occupants; it applies to all water service and sanitary lines within 5 feet of the building and to the connections to the municipal service lines. The Code, he added, went into effect in 2014, and since has been enforced by the Village, though wasn't officially adopted by the Village until 2017. At that time, Mr. Witt related, the Village was working in cooperation with the Village of Lombard to monitor the discharge of fats, oils and grease – commonly known as “fog” – from food service establishments and other entities that discharge hazardous materials into the public sanitary sewer system. Amendments to the Plumbing Code related to fog, he said, were introduced to the BBA and subsequently approved and adopted thereafter by the Village Board in 2017. Mr. Witt explained that interpretations of the Code are provided by the Illinois Department of Public Health (IDPH) or local plumbing inspectors or State inspectors. Variances to the Code must be requested through IDPH, he said, adding that part of the reasoning Staff is not recommending amending the Code is that doing so becomes a lengthy process. He said that, at this point in time, re-adoption of the Plumbing Code and changing the amendments is not required.

### **Americans with Disabilities Act**

Mr. Witt went on to talk about the Americans with Disabilities Act (ADA) Standards for Accessible Design. The ADA, he explained, contains scoping and technical requirements to provide accessibility to sites, facilities, buildings and elements by individuals with disabilities. The requirements, he continued, are to be applied during the design, construction, additions to and alterations of sites, facilities, buildings and elements to the extent required by those regulations issued by Federal agencies under the ADA of 1990. All areas of newly designed and newly constructed buildings and facilities and altered portions of existing building and facilities are covered by the ADA. The current book, he stated, went into effect in 2010, and has been enforced by the Village since, but has not been locally adopted. Interpretations, explained Witt, are provided by the U.S. Department of Justice, and variations are not provided at a local level. Staff, he said, does not recommend any amendments to the Code at this time, but recommends adoption as written and published, to allow for local enforcement of its provisions.

### **Illinois Accessibility Code**

The Illinois Accessibility Code (IAC), explained Mr. Witt, implements the Environmental Barriers Act and ensures that Illinois citizens with disabilities are treated fairly and equally, and that newly constructed and renovated buildings comply with accessibility standards that guarantee they are safe and readily accessible to persons with disabilities. The Code, he said, includes design requirements for public facilities and multi-story housing units as defined in the Code as well as all spaces and elements within them. This Code, he said, and has the force of a building code in Illinois and it constitutes the minimum requirements, and any governmental unit may enact stricter standards to increase access to persons with disabilities. Within the Environmental Barriers Act preparation, said Witt, the Illinois General Assembly found that public facilities and multi-story housing which contain environmental barriers create a serious threat to the safety and welfare of all members of society. He added that they find that individuals with disabilities are often denied access to the use of public facilities and multi-story housing due to environmental barriers which prevent them from exercising rights and privileges as citizens, and that integrating into the mainstream of society people with disabilities furthers the goals and policies of the State to assure the right of all persons to live and work as independently and to participate in the life of community as possible.

Mr. Witt reported that the current version of the IAC was effective in 2018 and that the Village has been enforcing it since then, but has not locally adopted it. Interpretations, he said, are provided by Felicia Burton, the Accessibility Specialist for the State of Illinois, and who works for the Capital Development Board. According to Witt, the IAC is written with language indicating that no one can provide a variation to the Code as written, therefore Staff recommends no amendments to Code, but rather adopting it as written and published, to allow for local enforcement of its provisions.

### **Illinois Energy Conservation Code**

Mr. Witt said the purpose of the State's Energy Efficient Building Act was to reduce the air pollutant emissions from energy consumption that are affecting the health of residents of the State, to moderate future peak electric power demand to assure the reliability of the electric grid and an adequate supply of heating oil and natural gas, and to control energy costs for residents and businesses within the State. To that end, he continued, the State adopted the International Energy Conservation Code (IECC) as its energy code. The IECC, he said, applies to all areas of newly designed and newly constructed, privately funded commercial and residential buildings and all renovations, alterations, additions and repairs of such

buildings and facilities, but not to buildings designated as historic or that have landmark status. Other buildings that are exempt from a local building code are those that don't use electricity or fossil fuel for comfort heat/conditioning. Mr. Witt noted that state law stipulates that no unit of local government may apply energy efficient building standards to privately funded commercial facilities in a manner that is less stringent than the Code as described within the Act, however, nothing in the Act prevents a unit of local government from adopting an energy-efficient code or standards for commercial buildings that are more stringent than the Code. The Code went into effect in 2019, he related. Mr. Witt said the State adopts a new version of the IECC every three years. The current version is the 2018, and it has been in force by the Village ever since that effective date. The current version is not locally adopted, he said, adding that the last time the IECC was adopted by the Village was in 2009. Interpretations, he continued, are provided by either the International Code Council, which publishes the book, or the Smart Energy Design Assistance Center, which is working in conjunction with the State on education efforts. Variances can be provided by the local HA as authorities having jurisdiction, explained Mr. Witt, but they cannot change things listed as mandatory provisions within the Code. He said that while amendments to the Code are not recommended at this time, adoption of the Code as written and published is. He added that the Village would look to adopt State amendments.

The Chair wondered if the BBA would be comfortable voting this evening on the material presented or if discussion should be carried over to the next meeting. In response to a BBA question, Mr. Witt said the Village is required by law to follow the Codes though not to adopt them. He said the impetus for adopting the code is to make it clear that the Village has an enforcement provision. He also confirmed that the three Codes in the Act are all being followed now, and said that those four documents are in effect in every community within the State, and which are required to follow them, the exception being the City of Chicago. In response to a question as to why adoption hasn't occurred, Mr. Witt opined that because the Village is behind in its cycle for adopting codes. He said the Village is trying to get back in pace with the Codes as they are currently written (which contributes to improving the ISO rating that theoretically relates to insurance rates). A brief discussion of payback ensued. Mr. Witt explained that the State generally adopts the Energy Conservation Code every three years, so is currently considering the 2021 version. In response to a Board question about the incidence of accessibility Code programs seen in the Village relative to affordable housing, Village Community Development Staci Springer said Staff is preparing for Village Board consideration other initiatives relative to affordable housing. She reported interest by the Board in Staff pursuing ways to increase affordable housing opportunities in the Village, and said that Staff has prepared a request for proposals seeking a professional with expertise in affordable housing to offer guidance in this regard.

Chairman Bredfeldt asked for a motion either to adopt the Codes discussed or carry over discussion to the next meeting. A motion by BBA Member Clark, seconded by BBA Member Pope, to adopt the 2014 Illinois Plumbing Code, the 2010 Americans with Disabilities Act, the 2018 Illinois Accessibility Code and the 2018 International Energy Conservation Code, passed by roll call vote. BBA Members Clark, Pope, Beck, Rooney, Tuscher, Stahr, Chairman Bredfeldt all voted yes. Mr. Witt thanked the BBA for its participation in the code review process and said Staff will be setting forth a date to look at the next series of codes.