



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0256

Introduced 2/3/2005, 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 Building Commission Act and the Illinois Municipal Code. Repeals provisions requiring certain municipalities and counties adopting a new building code or amending an existing building code to provide an identification of the code, by title and edition, or an identification of the amendment to the Commission for publication on the Internet through the State of Illinois website. Amends the Counties Code to make corresponding changes. Effective immediately.

LRB094 04277 MKM 34302 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 ~~Beginning on the effective date of this amendatory Act of~~  
29 ~~the 92nd General Assembly, any county adopting a new building~~  
30 ~~code or amending an existing building code under this Section~~  
31 ~~must, at least 30 days before adopting the building code or~~  
32 ~~amendment, provide an identification of the building code, by~~  
33 ~~title and edition, or the amendment to the Illinois Building~~  
34 ~~Commission for identification on the Internet. For the purposes~~  
35 ~~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 ~~Beginning on the effective date of this amendatory Act of~~  
15 ~~the 92nd General Assembly, any county adopting a new building~~  
16 ~~code or amending an existing building code under this Section~~  
17 ~~must, at least 30 days before adopting the building code or~~  
18 ~~amendment, provide an identification of the building code, by~~  
19 ~~title and edition, or the amendment to the Illinois Building~~  
20 ~~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.