

THE CITY OF BERWYN
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER

**AN ORDINANCE ESTABLISHING SECTION 1441 BUILDING
REGULATIONS AND AMENDING PART FOURTEEN OF THE BUILDING
AND HOUSING CODE OF THE CODIFIED ORDINANCES OF THE CITY
OF BERWYN**

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ORDINANCE NO.: _____

AN ORDINANCE ESTABLISHING SECTION 1441 BUILDING REGULATIONS AND AMENDING PART FOURTEEN OF THE BUILDING AND HOUSING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BERWYN

WHEREAS, the City of Berwyn, Cook County, Illinois (the “*City*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

WHEREAS, the Mayor and the City Council of the City of Berwyn (the “*Corporate Authorities*”) has adopted a Building and Housing Code, which has been amended from time to time; and

WHEREAS, the Corporate Authorities have further decided that there are numerous sewer and water connections and piping systems throughout the City that do not adhere to applicable City requirements, state law and federal laws and further, said sewer and water connections and piping systems shall be required to be improved or upgraded if the underlying property is to undergo modifications which equals or exceeds 50% of the current market value or assessed value, whichever is less; and

WHEREAS, the Corporate Authorities determine that it is in the best interests of the welfare and safety of the residents of the City to amend the Codified Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: Part Fourteen: Building and Housing Code is hereby amended to read as follows (with proposed additions underlined and proposed deletions ~~stricken~~):

CHAPTER 1441: BUILDING Regulations

1441.00 Definitions

1441.01 Purpose and Intent

1441.02 Title as Remedial

1441.03 Application and Scope of Regulations

1441.00 Definitions

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50% of the current market value or assessed value, whichever is less, of the structure before the improvement or repair is started,

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.

1441.01 PURPOSE & INTENT

The purpose of this Chapter is to provide safety, health and public welfare through structural strength and stability, means of egress, adequate light and ventilation and protection to life and property from fire and hazards incidental to the design, construction, alteration, removal, or demolition of buildings or structures.

1441.02 TITLE AS REMEDIAL

This Chapter shall be construed to secure its expressed intent, which is to ensure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary facilities, light and ventilation and fire safety; and, in general, to secure safety to life and property from all hazards incidental to the design, erection, construction, alteration, removal or demolition of all buildings and structures.

1441.03 APPLICATION AND SCOPE OF REGULATIONS

A. Application of Provisions: This Chapter shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings and structures; except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this Chapter.

B. Compliance with Provisions: No building or structure shall be constructed,

extended, repaired, removed, altered, used or occupied in violation of these provisions except for repairs as defined in subsection C of this Section, and except further, that the raising, lowering or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided the building or structure is not otherwise altered or its use or occupancy changed.

C. General Repairs and Maintenance: Ordinary repairs to structures may be made without application or notice to the City, but such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring and equipment installation or mechanical or other work affecting public health or general safety.

D. Conflicting Provisions: When the provisions contained in this Chapter conflict with any other provision contained in the City Code or in any state or federal statute, the most restrictive or rigid provisions shall control.

E. In the event a building or structure undergoes a substantial improvement, as defined above, the City shall require that the entire building or portions thereof be brought into compliance with all provisions of included in this Code.

Section 3. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Adopted by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this _____ day of _____ 2020, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Lennon				
Ramirez				
Reardon				
Fejt				
Santoy				
Ruiz				
Avila				
Nowak				
(Mayor Lovero)				
TOTAL				

Approved by the Mayor of the City of Berwyn, Cook County, Illinois on this _____ day of _____ 2020.

 Robert J. Lovero
 MAYOR

ATTEST:

 Margaret Paul
 CITY CLERK