

VILLAGE OF GURNEE

2005- _____

AN ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE, AS MODIFIED AND WITH SUPPLEMENTS, PROVIDING PENALTIES FOR VIOLATIONS AND AMENDING CHAPTER 18 ARTICLE VI OF THE GURNEE MUNICIPAL CODE

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF GURNEE, ILLINOIS

ON

APRIL 18, 2005

**Published in pamphlet form by authority of the Village Board
of the Village of Gurnee, Lake County, Illinois,
this 19th day of April, 2005.**

DONALD F. RUDNY	President	THOMAS A. CHAMBERLAIN	Trustee
MARY JO KOLLROSS	Clerk	RAY DAMIJONAITIS	Trustee
RUDOLPH F. MAGNA, JR.	Attorney	KRISTINA KOVARIK	Trustee
		JEANNE E. BALMES	Trustee
		KAREN WASSER	Trustee
		BARBARA THOMA	Trustee

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AN ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE, AS MODIFIED AND WITH SUPPLEMENTS, PROVIDING PENALTIES FOR VIOLATIONS AND AMENDING CHAPTER 18 ARTICLE VI OF THE GURNEE MUNICIPAL CODE

WHEREAS, at least three (3) copies of the International Mechanical Code, 2003 edition, including Appendix Chapter A, published by the International Code Council, have been on file in the office of the Village Clerk of the Village of Gurnee, Illinois, for public use, inspection and examination, continuously for more than thirty (30) days prior to the date hereof, and copies thereof will hereafter be kept on file in said office for such public use, inspection and examination; and

WHEREAS, prior to the aforesaid thirty (30) day period, public notice was given in the Gurnee Review, a weekly newspaper and having a general circulation in the Village of Gurnee, which notice stated that at least three (3) copies of said 2003 Edition of the International Mechanical Code, would be on file during said thirty (30) day period, as well as subsequent thereto, and that the Corporate Authorities of the municipality would give consideration to and might adopt all or part or parts of said 2003 edition of the International Mechanical Code, by reference thereto without further printing, at any time after the lapse of thirty (30) days or more subsequent to the aforesaid publication of said public notice, as shown by the certificate of publication on file in the office of said Village Clerk; and

WHEREAS, The President and Board of Trustees of the Village of Gurnee have determined that it is in the best interest of the Village of Gurnee to amend the Gurnee Mechanical Code (Chapter 18 Article VI of the Gurnee Municipal Code) and adopt the 2003 Edition of the International Mechanical Code as modified, as the standard for regulating and governing the design, construction, quality of materials, erection, installation, alterations, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties of the Mechanical Code within the Village of Gurnee.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GURNEE, LAKE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION I: That Chapter 18 Article VI, entitled “Mechanical Code” of the Gurnee Municipal Code is hereby deleted in its entirety and replaced with a new Chapter 18 Article VI, entitled “Mechanical Code”, to provide as follows:

“CHAPTER 18 ARTICLE VI. MECHANICAL CODE.”

Sec. 18-161. Adoption.

The regulations, conditions, definitions, and stipulations concerning the design, construction, quality of materials, erection, installation, alterations, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, as set forth in the 2003 International Mechanical Code, with modifications and supplements set forth in Section 18-162, are hereby adopted and made applicable, subject to exceptions made in this article, to all existing or proposed mechanical installations, within the corporate limits of the village. The following chapters, and each section and subsection of each such chapter, are not hereby adopted and shall not be applicable in the village:

Appendix Chapter B Recommended Permit Fee Schedule

Sec. 18-162. Modifications, supplements and exceptions.

The following sections of the 2003 International Mechanical Code, are revised to read as follows:

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

Sub-Section 101.1 Title.

These regulations shall be known as the Mechanical Code of the Village of Gurnee, hereinafter referred to as "this code."

Sub-Section 101.2.1 Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

SECTION 106 PERMITS

Sub-Section 106.5.2 Fee Schedule.

This Sub-Section is deleted in its entirety and a new Sub-Section is added to read as follows:

~~106.5.2 Fee schedule.~~

~~The fees for mechanical work shall be as indicated in the following schedule.~~

106.5.2 Fee schedule.

The fees for mechanical installations/replacement shall be as indicated in Ordinance 2004 -53 of the Village of Gurnee.

Sub-Section 106.5.3 Fee refunds, is deleted in its entirety and a new Sub-Section is added to read as follows:

~~106.5.3 Fee refunds.~~

The code official shall authorize the refunding of fees as follows.

- ~~1. The full amount of any fee paid hereunder which was erroneously paid or collected.~~
- ~~2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~
- ~~3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.~~

~~The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

106.5.3 Fee refunds.

The applicant is entitled to a refund of 80% of the collected construction fee provided no work for which the permit was issued has been preformed, no inspection has been made, or the permit has not expired. No refund of the plan review fee will be allowed.

SECTION 108 VIOLATIONS

Sub-Section 108.4 Violation penalties.

Sub-Section 108.4 Violation penalties, is deleted in its entirety and a new Sub-Section is added to read as follows:

~~108.4 Violation penalties.~~

~~Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

108.4 Violation penalties. Persons who shall violate provisions of this code shall be punished as provided in Section II Penalties, of this ordinance.

CHAPTER 3 GENERAL REGULATIONS

SECTION 301 GENERAL

Sub-Section 301.2 Energy Utilization.

The last sentence of this Sub-Section is amended by substituting the State of Illinois Energy Code for the “International Energy Conservation Code” to read as follows:

301.2 Energy utilization.

Heating, ventilating and air-conditioning systems of all structures shall be designed and installed for efficient utilization of energy in accordance with the International Energy Conservation Code.

Sub-section 301.3 Fuel gas appliances and equipment.

Replace International Fuel Gas Code with “Gurnee Fuel Gas Code” to read as follows:

301.3 Fuel gas appliances and equipment.

The approval and installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be in accordance with the International Fuel Gas Code.

Sub-section 301.7 Electrical.

Replace reference to the ICC Electric Code with “Gurnee Electrical Code” to read as follows:

301.7 Electrical.

Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the Gurnee Electrical Code.

Sub-Section 301.8 Plumbing Connections.

Replace reference to the ICC Plumbing Code with “Gurnee Plumbing Code” to read as follows:

301.8 Plumbing connections.

Potable water supply and building drainage system connections to equipment and appliances regulated by this code shall be in accordance with the Gurnee Plumbing Code.

Sub-Section 301.12 Wind resistance.

Replace reference to the International Building Code in this section and any other locations with “Gurnee Building Code” to read as follows:

301.12 Wind resistance.

Mechanical equipment, appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in accordance with the Gurnee Building Code.

CHAPTER 6 DUCT SYSTEMS

SECTION 602 PLENUMS

Sub-Section 602.3 Stud cavity and joist space plenums.

Sub-Section 602.3 Stud cavity and joist space plenums, is deleted in its entirety and a new Sub-Section is added to read as follows:

~~602.3 Stud cavity and joist space plenums.~~

~~Stud wall cavities and the spaces between solid floor joists to be utilized as air plenums shall comply with the following conditions:~~

- ~~1. Such cavities or spaces shall not be utilized as a plenum for supply air.~~
- ~~2. Such cavities or spaces shall not be part of a required fire resistance rated assembly.~~
- ~~3. Stud wall cavities shall not convey air from more than one floor level.~~
- ~~4. Stud wall cavities and joist space plenums shall comply with the floor penetration protection requirements of the International Building Code.~~
- ~~5. Stud wall cavities and joist space plenums shall be isolated from adjacent concealed spaces by approved fireblocking as required in the International Building Code.~~

602.3 Stud cavity and joist space plenums. Panning of joist spaces, stud spaces, rafter spaces, or concealed spaces is prohibited.

SECTION 603 DUCT CONSTRUCTION AND INSTALLATION

Sub-Section 603.5 Nonmetallic ducts.

At the end of this Sub-Section, add the following sentence: “The use of rigid fiberglass duct shall be prohibited,” to read as follows:

603.5 Nonmetallic ducts.

Nonmetallic ducts shall be constructed with Class 0 or Class 1 duct material in accordance with UL 181. Fibrous duct construction shall conform to the SMACNA Fibrous Glass Duct Construction Standards or NAIMA Fibrous Glass Duct Construction Standards. The maximum air temperature within nonmetallic ducts shall not exceed 250°F (121°C). The use of rigid fiberglass duct shall be prohibited.

Sub-section 603.5.1 Gypsum ducts.

At the end of this Sub-Section, add the following sentence: “Building Official’s approval must be obtained for this use,” to read as follows:

603.5.1 Gypsum ducts.

The use of gypsum boards to form air shafts (ducts) shall be limited to return air systems where the air temperatures do not exceed 125°F (52°C) and the gypsum board surface temperature is maintained above the airstream dew-point temperature. Air ducts formed by gypsum boards shall not be incorporated in air-handling systems utilizing evaporative coolers. Building Official’s approval must be obtained for this use.

Sub-Section 603.6.1.1 Duct length.

This Sub-Section is deleted in its entirety and a new Sub-Section is added to read as follows:

~~603.6.1.1 Duct length Flexible air ducts shall not be limited in length.~~

603.6.1.1 Duct length. Flexible air ducts shall be limited to 14 feet (4267mm) in length.

CHAPTER 7 COMBUSTION AIR

SECTION 701 GENERAL

Sub-Section 701.5 Prohibited sources.

At the end of this Sub-Section, add the following sentence: “Combustion air shall not be taken from any source that will allow the temperature of the room to drop below 40 degrees Fahrenheit” to read as follows:

701.5 Prohibited sources.

Openings and ducts shall not connect appliance enclosures with a space in which the operation of a fan will adversely affect the flow of the combustion air. Combustion air shall not be obtained from a hazardous location, except where the fuel-fired appliances are located within the hazardous location and are installed in accordance with this code. Combustion air shall not be taken from a refrigeration machinery room, except where a refrigerant vapor detector system is installed to automatically shut off the combustion process in the event of refrigerant leakage. Combustion air shall not be obtained from any location below the design flood elevation. Combustion air shall not be taken from any source that will allow the temperature of the room to drop below 40 degrees Fahrenheit.

CHAPTER 9 SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT

After Section 925 Masonry Heaters, a new Section 926 is added to read as follows:

Section 926 Unvented Room Heaters.

Un-vented room heaters are prohibited in any habitable rooms or spaces occupied by humans.

SECTION II: PENALTIES.

- a. In each section of the International Mechanical Code – 2003 Edition in which a fine or violation thereof is specified, the same is hereby superseded by the penalty provisions hereinafter set forth, which penalty provisions are hereby substituted so as to cover any and all violations of this Ordinance or of any provisions of said International Mechanical Code – 2003 Edition adopted there under.
- b. Any person who shall violate any provision hereof or any provisions of the International Mechanical Code – 2003 Edition hereby adopted or shall fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans

submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as may be affirmed or modified on appeal or by court of competent jurisdiction, within the time duly fixed for compliance, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00 and when not otherwise specified, each day during which any prohibited condition continues shall constitute a separate offense.

- c. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or any other remedy at law or in equity, it being the intent of this ordinance that any remedies available to seek compliance or the levy of fines, or both, are cumulative and not exclusive of one another.

SECTION III: **REPEAL.** All parts of ordinances in conflict herewith, but only to extent of such conflict, are hereby repealed.

SECTION IV: **SAVING CLAUSE.** Nothing in this Ordinance or in those parts of the Basic Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance provision repealed by Section III above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION V: **SEVERANCE CLAUSE.** If any provision, clause, sentence, paragraph, section or part of this ordinance, or the application thereof to any person, firm, corporation, or circumstance, shall, for any reason, be adjudged by a court or competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance or the application of such provisions to other persons, firms, corporations or circumstances involved. It is hereby declared to be the legislative intent of the Corporate Authorities that this ordinance would have been adopted had such invalid provisions not been included or if it had not been made applicable to such person, firm, corporation or circumstance.

SECTION VI: This ordinance shall be in full force and effect on June 1, 2005 and after its passage, approval and publication as required by law.

SECTION VII: The Village Clerk is hereby directed and ordered to publish this ordinance in pamphlet form as required by Law.

SECTION VIII: This ordinance shall be known as the “Gurnee Mechanical Code.”

Passed this _____ day of _____, 2005

	Ayes:	Nays:	Absent/Abstain:
Thomas A. Chamberlain	_____	_____	_____
Ray Damijonaitis	_____	_____	_____
Kristina Kovarik	_____	_____	_____
Jeanne E. Balmes	_____	_____	_____
Karen Wasser	_____	_____	_____
Barbara Thoma	_____	_____	_____

APPROVED:

By: _____ Date: _____
DONALD F. RUDNY, President

ATTEST:

By: _____
MARY JO KOLLROSS, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on _____, 2005.

I hereby certify that the above ordinance was published in pamphlet form on _____, 2005, as provided by law.

MARY JO KOLLROSS, Village Clerk

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STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Mary Jo Kollross, certify that I am the duly elected and acting Municipal Clerk of the Village of Gurnee, Lake County, Illinois.

I certify that on _____, 2005, the Corporate Authorities of such municipality passed and approved Ordinance 2005 - _____, entitled “***AN ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE, AS MODIFIED AND WITH SUPPLEMENTS, PROVIDING PENALTIES FOR VIOLATIONS AND AMENDING CHAPTER 18 ARTICLE VI OF THE GURNEE MUNICIPAL CODE***” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance 2005 - _____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on _____, 2005, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Gurnee, Illinois, this _____ day of _____, 2005.

Municipal Clerk