The special meeting was held by the Construction Commission in Room 404 at City Hall, 419 Fulton Street, Peoria, Illinois, on February 6, 2020 at 2:00 p.m. Chairperson Shoemaker called the meeting to order at 2:00 p.m.

**ROLL CALL**

Roll call showed the following Commissioners were present: Chairman Shoemaker, Commissioner Scott, Commission Dillon, Commissioner Hall, Commissioner Snyder, Commissioner Dejarld, and Commissioner Goad.

Staff present: Ross Black, Megan Nguyễn, and Roberto Medina

**APPROVAL OF SEPTEMBER 11TH MEETING MINUTES**

First order of business was introduced by Chairman Shoemaker to approve the minutes of the September 11th meeting.

**MOTION:**

Commissioner Hall moved to approve the minutes of September 11, 2019. The motion was seconded by Commissioner Dejarld. Approved unanimously by a viva voce vote 6-0.

**FORWARD A RECOMMENDATION TO CITY COUNCIL TO AMEND THE CITY CODE RELATED TO PERMIT FEES AND THE TRUSTED CONTRACTOR PROGRAM:**

Director Black introduced the amendment pertaining to permit fees, referencing the draft for *Article XIII. - Registration of Residential Property*. Director Black explained the addition of language regarding short-term-rental units, highlighting the challenges of the building, zoning and license codes that would be impacted. He further explained that the amendment would add short-term-rentals as a type of hotel thus requiring short-term-rentals to pay for both the hotel license fee and occupancy tax.

Director Black clarified the proposed amendments throughout pages 1-12, mentioning most amendments related to language and grammar. He provided details for amendment Sec. 5-522 (b), which will require short-term-rentals to complete license requirement and pay the initial hotel fee. Page 4 includes a provision that appoints the Hearing Officer to oversee related cases and page 5 includes the list of non-owner occupied type properties that are currently exempt from registration, with the new addition of ‘short-term-rental units’.
Chairman Shoemaker expressed the need for defining ‘short-term rental units’ and ‘immediate family members’ in the code sections. Director Black concurred and stated he will add the definitions to the proposed amendments.

Moving on to Article II. – Administration and Enforcement, Director Black detailed the proposed amendments, stating most of the changes pertain to language and grammar. Highlighting page 3, Director Black provided additional details for the addition of the Illinois Energy Code, referencing a State mandate that currently restricts the Construction Commission from amending this text. Additional items include Sec. 5-60. – Meetings that amends the text to convene meetings on an ‘as needed’ agenda, Section 5-91 (b)’s new addition of a defined time limit for permits to be fulfilled, Section 5-91 (f)’s removal from this page and addition onto the fee section (page 11 under Section 5-97), and Section 5-93 (a)’s change in requirement from four plan copies to one paper and one electronic copy to be submitted to the City of Peoria.

Director Black reviewed the major changes to the Building Code found on page 11 under Section 5-97, stating the proposed amendments to the fee section is intended to further simplify the permit application process. The current practice requires a processing fee of $50 or $100, depending on the type of permit, in addition to the fees associated with plan review. The proposed amendments eliminates both the processing and plan review fees for residential and commercial permits and, instead, requires the applicant to pay .7% of the total value of a residential project and .85% of the total value of a commercial project for a general permit.

Commissioner Dillon expressed concern over the fee structure regarding projects strictly pertaining to replacement items. Director Black provided that the proposed amendments pertain to the City’s encompassing concern and encouragement for safe practices on projects over revenue. Director Black reviewed the additional provisions on page 12 listed under (b) and (c), explaining the types of institutions exempted from fees and also introduced the new section on page 13, Sec. 5-100. – Trusted Contractor.

Chairman Shoemaker requested for ‘owner-occupied residential properties’ in line 3 of section (b) to be further defined, to which Director Black agreed to amend the text to include “single-family detached residential properties”. Chairman Shoemaker expressed his concern regarding the amendment that would require permits to be completed within the twelve (12) month timeframe. The Commission discussed the intention of including permit fees in the original code section and Director Black emphasized the city’s focus on the safety protocols of permit applications, as opposed to revenue intake.

Director Black provided the Commission with additional details for Sec. 5-100, noting that contractors in good standing, who have met all requirements, will be included in the city’s Trusted Contractor list and be exempt from paying permit fees. The requirements of a Trusted Contractor would include proof of license (if required), bonding and insurance, notice of change in licensing (if applicable), and an annual contractor fee of $500. This amendment allows for any contractor identified on the Trusted Contractor List to be exempt from paying any permit fees for residential permits that do not require a plan review. To remain a Trusted Contractor, all contractors must pull proper permits and remain permits on site. Director Black emphasized that the Trusted Contractor classification is intended to encourage permit applications in order to better monitor the safety protocols and execution of projects.

The Commission discussed concerns regarding customers’ refusal to pull permits for certain projects. Commissioner Scott provided to the Commission her personal experiences with clients who intentionally do not pull permits in fear of permits affecting their property’s appraisal (from the tax assessor’s office), in addition to basic misinformation on the permitting process. The Commission also discussed the possibility requiring a ‘local license’ for all work.
Chairman Shoemaker referenced the proposed requirements for being a Trusted Contractor and asked whether or not proof of licensing is equivalent to covered bonding and insurance. The Commission discussed the differentiation between a license and bonding and insurance. Chairman Shoemaker also inquired about the purpose of requiring a $500 annual fee from Trusted Contractors, to which Director Black explained fee structure’s intention of keeping fees revenue neutral. Additionally, the Commission considered the contractors’ scope of work and project monitoring from the City of Peoria.

Director Black noted that further review is needed on the proposed amendments before approving any recommendations to City Council. The Committee intends to reconvene on a later date to bring new and amended items forward for recommendation regarding permit fees and the trusted contractor program.

**MOTION:**

Commissioner Dillon moved to forward a recommendation to City Council on request of City of Peoria to amend the City Code related to Article XIII – Registration of Residential Property, with the addition of ‘short-term unit’ and ‘immediate family members’ further defined. The motion was seconded by Commissioner Goad. Approved unanimously by a viva voce vote 6-0.

**OLD BUSINESS**

No old business.

**ADJOURNMENT**

**MOTION:**

Chairperson Hall moved to adjourn the Special Commission Meeting, seconded by Commissioner Goad. Approved unanimously by viva voce vote 6-0.

The Special Meeting of the Construction Commission was adjourned at 3:25 P.M.

Meeting Minutes prepared by:

Megan Nguyễn
ARTICLE XIII. - REGISTRATION OF RESIDENTIAL PROPERTY

Footnotes:
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Sec. 5-520. - Definitions.

For the purpose of this article, unless the context requires otherwise, the following terms shall be construed as herein defined:

_Dwelling_ shall mean any enclosed space which is wholly or partially habitable by human occupants, and is used or intended to be used for living, sleeping, cooking and eating; provided that temporary housing is not a dwelling _a building that contains one or two dwelling units, used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes._

_Dwelling unit_ shall mean a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

_Code_ shall mean chapters 5, 13, and 15 of the Code of the City of Peoria, and additionally, any other provisions of the Code of the City of Peoria establishing or relating to construction, plumbing, heating, electrical, fire prevention or other heating and safety standards that are applicable to dwellings.

_Owner_ shall mean any person who alone, jointly or severally with others, has legal title of the realty as shown by the records of the Peoria County Recorder of Deed Office except if legal title is held by an Illinois Land Trust, owner shall mean the beneficial owner or owners of the trust.

_Lot_ shall mean one or two or more contiguous parcels of land, legally described comprising the tract or tracts of land upon which a dwelling is located.

_Temporary housing_ means any tent, trailer, mobile home and any other transported structure used for human shelter not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

The singular shall include the plural throughout this article.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14)

Sec. 5-521. - Registration required.

(a) Except as provided hereafter, every owner of a lot, or lots upon which is located an occupied or vacant dwelling(s), unless exempted under section 5-528 hereof, shall file an annual registration statement for each such lot on forms provided by the City of Peoria for such purposes. Any such registration statements shall be prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the dwelling.

(1) The name, street address, telephone number and the driver's license number of a current driver's license of each owner of the dwelling or a copy of a State of Illinois identification card or other comparable identification. If the owner is a partnership, corporation or voluntary unincorporated association, the statement shall further include the name, street address, the
telephone number, the driver's license number of a current driver's license, and position of all partner(s) or officer(s). If the owner is a corporation, the statement shall further include the name, street address and telephone number of the registered agent therefor.

(2) The name, street address and telephone number of a natural person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. The authorized agent must adhere to all State of Illinois rules and regulations which includes having the proper license to operate as a property manager in the State of Illinois. This person must maintain an office in Peoria County, Illinois, or must actually reside within Peoria, Tazewell or Woodford County, Illinois. An owner who is a natural person and who meets the requirement of this subsection as to location of residence or office may designate himself as agent. Failure to have an appropriate authorized agent with the City of Peoria as defined previous in this section will invalidate the registration.

(3) The name, street address and telephone number of the owner's agent for the purpose of managing, controlling or collecting rents and other person not an owner who is controlling such dwelling, if any.

(4) [Reserved.]

(5) The street address and property index number(s) of the lot or lots upon which the dwelling is located, the number of dwelling units, and the date on which the dwelling was built.

(6) The maximum number of occupants permitted by the owner in each dwelling unit. For the purposes of this section, a post office box does not suffice as an address.

Sec. 5-522. - Time of registration.

(a) The owner of a lot not exempt under section 5-528 hereof shall register the property with the City of Peoria at the time of acquisition or the closing date of the property.

(b) If a parcel becomes subject to registration because it is no longer exempt under section 5-528 hereof, then the owner shall have 30 days from the date on which the property ceased to be exempt under section 5-528 to register the property. Properties that are converted from a hotel use (hotels, motels, short-term-rentals, etc.) shall register as a non-owner-occupied property per this Section, but shall not be subject to a registration fee if the City of Peoria hotel license fee has already been paid in the same calendar year.

Upon registration, and payment of the fee, if applicable, the City of Peoria shall issue a certificate of registration to the owner which shall certify that the owner has registered the lot in compliance with section 5-521 of this chapter. It shall be the duty of any subsequent owner of the lot to register it as required under section 5-521 at the time of acquisition or the closing date of the property.

Upon demonstration by an owner that the lot is not required to be registered under the provision of these sections, the code official or his/her designee shall issue a waiver of registration.

(cb) Registration shall be required annually. For 2009, registration shall be required on or before September 30, 2009. Every registration, whether new or renewed, shall expire on February 28 and must be renewed on or before March 1 of each calendar year if the property is required to be registered under this article. Said annual registration shall not occur earlier than January 1 of the calendar year. Failure to register within 30 days of the March 1 deadline will result in a $50.00 late fee. Failure to pay the late fee and the registration fee will be considered noncompliance.

Enforcement will be handled as defined in sections 5-525 and 5-526. Failure to register the property
within 30 days of the time requirements set forth in section 5-522(a) will result in a $50.00 late fee. Exemption to late fee: The late fee will be waived if a property owner has never registered any property previously with the City of Peoria and registers within 30 days from which the City of Peoria issues a citation to register the property or sends a written notice via standard mail service informing the property owner of registration requirement.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 3, 2-24-09; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17474, § 1, 7-11-17; Ord. No. 17549, § 1, 1-23-18; Ord. No. 17729, § 1, 11-12-19)

Sec. 5-523. - Amended registration.

The owner of the lot required to register with the City of Peoria under section 5-521 of this article shall notify the city, within ten business days, of any change in the registration information by filling out an amended registration statement on a form provided by the department of community development City of Peoria for such purpose. There shall be no additional fee for filing an amended registration statement.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-524. - Registration records.

The City of Peoria shall maintain the dwelling registration records. These records shall consist of the registration information under sections 5-521 and 5-523 of this article.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-525. - Enforcement.

(a) The director of the department of community development shall enforce the provisions of this article and, in addition to any other remedies provided by law, may apply to the corporation counsel for prosecution of owners who fail to comply.

(b) The building official may refuse to issue any permit(s) required under this Code for any construction, alteration, installation, razing or other work done in or on any dwelling as defined in section 5-520, of this article, or any certificate of occupancy required under this Code for such a dwelling, unless the owner(s) or other applicant for such permit(s) or certificate(s) presents either a current certificate of registration or a waiver of registration for the dwelling.

(c) The City of Peoria shall issue no real property transfer tax stamps for a transfer involving a dwelling as defined in section 5-520 of this chapter unless the grantee or purchaser presents either a current certificate of registration or a waiver of registration for the dwelling.

(d) No dwelling shall be rented or occupied by a non-owner or continue to be rented or occupied by a non-owner without a current registration as required by this article or if the registration for that dwelling unit has been suspended or revoked.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-526. - Penalties.

(a) Each day that any lot is not registered in accordance with the provisions of sections 5-521 and 5-523 this article shall constitute a separate and distinct violation.
(b) In addition to any of the penalties provided in this article, any person committing an offense under sections 5-521 or 5-523 of this article, shall, upon conviction thereof, be fined $300.00 for the first offense, and $500.00 for the second and each subsequent offense in any 180-day period.

(c) The intentional submission of false information on a registration statement or an amended registration statement filed pursuant to section 5-521 and 5-523 of this article shall be a violation punishable by a fine of not less than $300.00 nor more than $1,000.00. Each day that such violation remains uncorrected by the owner(s) shall constitute a separate and distinct violation.

(d) Violations of this article XIII on registration of lots shall constitute an ordinance violation and shall not be pursued through the code hearing process set forth in sections 5-273 through 5-284Chapter 32. Registering your property and paying the applicable late fee and registration fee will be considered a defense for failure to register by applicable deadline as defined by this chapter.

(e) In addition to the penalties set forth above, the registration for the property may be suspended or revoked upon a finding by a hearing officer that:

   (1) The dwelling is a chronic nuisance property as defined by chapter 20 of the Code; or

   (2) The lot and/or dwelling has been found in violation of any section of the Code by the hearing officer within the previous 12-month period.

(f) If the registration of a property has been suspended all of the following conditions must be met before reinstatement:

   (1) Compliance with all requirements of the police department pursuant to chapter 20 of the Code;

   (2) All Code violations must be corrected and verified by the department of community development;

   (3) The owner must pay all fines/fees/costs owed to the City of Peoria or its agents; and

   (4) The owner must pay a reinstatement fee of $100.00.

(g) No dwelling that has had its registration revoked for cause after a hearing shall be rented or occupied by a non-owner for a period of one year after the revocation and until conditions prescribed in above subsection (f) have been met.

(h) In addition to fine penalties imposed for any violations, the corporation counsel of the City of Peoria may commence a court action to obtain injunctive relief against an owner who fails to comply.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 4, 2-24-09; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17306, § 1, 12-8-15; Ord. No. 17474, § 1, 7-11-17)

Sec. 5-527. - Notice of code violation.

By designating an authorized agent under the provisions of section 5-521 the owner is consenting to receive any and all notices of code violation concerning the registered lot and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered lot by service of the notice or process on the authorized agent.

   (1) Any owner who has designated an authorized agent under the provisions of section 5-521 shall be deemed to consent to the continuation of the agent's designation for the purpose of this chapter until the owner notifies the department of community development of a change of authorized agent pursuant to section 5-523.

   (2) Any owner who fails to register a lot under the provisions of section 5-521 and 5-523 of this chapter shall further be deemed to consent to receive by posting at the dwelling, any and all notices of code violations concerning the dwelling.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14)
Sec. 5-528. - Exemptions from registration.

| (a) | Hotels, motels, short-term-rental units, hospitals, and units of local government or governmental agencies. |
| (b) | Owners who occupy single-family dwellings or duplexes. |
| (c) | Properties occupied by immediate family members of the property owner. |
| (d) | Properties that are temporarily vacant for no more than six continuous months. |
| (e) | Properties listed for sale. |
| (f) | Properties mothballed per city Code. |
| (g) | Properties in probate or similar estate settlement status. |

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17549, § 1, 1-23-18)

Editor's note—Ord. No. 17549, § 1, adopted Jan. 23, 2018, changed the title of § 5-528 from "Exemptions" to read as herein set out.

Sec. 5-529. - Registration fee.

(a) Every owner registering a property pursuant to section 5-521 shall pay an annual registration fee for every lot required to be registered under section 5-521. Provided, however, that the annual registration fee shall be reduced to $75.00 for each property owner by the same legal deed holder if the property has met the following conditions:

• The property owner does not owe the City of Peoria any outstanding funds for any reason, including but not limited to fines, fees, city utility bills and back taxes on September 15 of the prior year registration.

• The property owner has not received a judgement or default related to a chapter 5 code violation via the City of Peoria Hearing Officer within the previous calendar year. Any defaults or judgements pending appeal will not be considered as part of this requirement for the current registration year.

• The property owner has not received a fine and found guilty of criminal housing management as defined by chapter 5 of the City of Peoria Code within a 24-month period.

• The property owner has not had a property that was deemed and convicted as a nuisance property per the City of Peoria Code.

If any of the above conditions are not met on any property owned by the same owner or entity, no properties will be allowed to receive the reduced registration amount. Property owners that do not meet the above conditions may attend the annual non-owner-occupied owner-occupied training session held by the City of Peoria to receive a reduced registration rate of $125.00 per property. The property owner, registered State of Illinois business agent, State of Illinois licensed property manager or immediate family member of the deed holder are the only people allowed to attend the training to represent the property and make the property eligible to receive the discounted rate. If a property owner is not eligible for the discount and does not attend the training, they will be required to pay a registration fee of $250.00 per property. Each property containing more than one unit will be required to pay an additional registration fee of $20.00 per additional unit up to the maximum of $5,000.00 per parcel.
For purposes of the section, each property identification number constitutes a single lot.

(b) The registration fee shall be reduced if the requirement to register becomes active in October, November or December of that calendar year. The property will pay a reduced rate of $50.00.

(c) The reduction of the registration fee as described in above subsection (a) will not be applicable if property or properties are registered after the March 1 deadline of that calendar year. The reduction of the registration fee is not applicable for registration fees imposed for additional units on the same parcel.

(d) No refund, or retroactive proration of any payment shall be made based upon the property becoming exempt subsequent to registration and payment of fee.

Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 5, 2-24-09; Ord. No. 16770, § 1, 11-22-11; Ord. No. 17306, § 1, 12-8-15; Ord. No. 17455, § 1, 4-11-17; Ord. No. 17549, § 1, 1-23-18; Ord. No. 17644, § 1, 12-11-18)

Sec. 5-530. - Severability.

If any section, subsection, paragraph, sentence, clause or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraph, sentences, clauses or words of this ordinance, and the applications thereof; and to that end the sections, subsections, paragraph, sentences, clauses, and words of this article, shall be deemed severable.

(Ord. No. 15736, § 1, 1-18-05)

ARTICLE XIV. - INSPECTION OF DWELLINGS

Footnotes:

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Sec. 5-531. - General.

(a) Every dwelling, along with all accessory structures located upon the same lot or a contiguous lot, which is required to be registered under section 5-521 of article XIII can be inspected systematically for compliance with this article. Systematic inspections of dwellings shall consist of both exterior and interior inspections. Exterior inspections shall include the dwelling and any accessory structures, and any environmental violations of chapter 13 of the Code of the City of Peoria. Interior inspections, however, shall be limited to the following health and life-threatening violations, unless city is made aware of additional interior violations:

LIFE SAFETY AND HEALTH REQUIREMENTS (More Information on code requirements can be found at http://www.peoriagov.org/code-enforcement/codeviolations/)

(1) **Smoke detectors.**

   a. All units and dwellings must be equipped with working smoke detectors based on the requirements of the adopted code standards of the City of Peoria.
(2) **Railings, balusters, and steps.**
   a. Open steps must include handrails and balusters as required.

(3) **Water heaters.**
   a. The water heater is operable and properly installed based on the requirements of the adopted code standards of the City of Peoria. This includes but is not limited (when applicable) to having a temperature and pressure relief valve, having a relief valve that is copper or galvanized pipe and terminates within six inches of the floor. In addition, the gas water heater cannot be located in a bedroom, bathroom and kitchen.

(4) **Heating facilities problems.**
   a. Heating facilities are present, approved, and in safe, operable condition based on the requirements of the adopted code standards of the City of Peoria. This includes but is not limited to vented material that has not deteriorated, the furnace not being in a sleeping room, having an operable gas service (when applicable) and ensuring the chimney is code compliant and free of deterioration (when applicable).

(5) **Supplied facilities.**
   a. The water supply lines are functioning and in proper working condition. The unit is supplied with potable water and all plumbing fixtures are supplied with hot and cold water as necessary for normal operation. The sewer drain pipes are free of deterioration and in working condition.

(6) **Electrical.**
   a. The electric service adequately supplies the electric needs for the dwelling based on the requirements of the adopted code standards of the City of Peoria. The unit is free of exposer or bare wires. The panel board is labeled and a panel cover is installed. All light fixtures are in working condition and there are not extension cords inside the walls in place of outlets or permanent wires.

(7) **Kitchen.**
   a. The sink is connected to a water supply system.
   b. The sink is connected to a sewerage system.
   c. The sink is present and operable.

(8) **Bathroom—Water closet.**
   a. The toilet is operable and not in disrepair.

(9) **Bathroom.**
   a. The bathtub/shower is present and operable based on the requirements of the adopted code standards of the City of Peoria. The bathtub/shower cannot be soiled and it must be connected to a water system.

(10) **Exits.**
   a. The dwelling does have dual means of exit per code and in multiple dwellings of three stories or more, does have immediate access from doorway to two or more approved passageways.
   b. Each sleeping room meets the requirement of having at least one outside window accessible to rescue operations.
   c. All required outside windows and doors operable from the inside without the use of tools meets the following requirements:
1. Provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area, and the bottom of the opening shall not be more than 44 inches off the floor.

2. Such means of escape shall be acceptable if the window is within 20 feet of grade, or the window is directly accessible to fire department rescue apparatus as approved by the fire marshal, or the window or door opens onto an exterior balcony.

d. Any required window above grade is not boarded, covered or secured which would prevent exit in case of an emergency.

e. Any exit way must be free of debris as to allow free passage in or out of exits.

f. All entry doors locks are working and in place based on the requirements of the adopted code standards of the City of Peoria. All other locks ad doors are equipped with locks based on the requirements of the adopted code standards of the City of Peoria.

(11) General.

a. The building (foundation, floor, exterior and interior wall, ceiling, inside and outside stair, porch) is code compliant and is capable of supporting the loads reasonably and normally placed thereon.

b. Debris is not stored around furnace or hot water heater.

c. The dwelling unit does not meet any of the designated criteria to be declared unfit for human habitation.

d. The dwelling unit or common areas is not free from vermin, insect, and rodent infestation.

(12) Over occupancy.

a. There are not more than three unrelated persons living together in a dwelling unit without administrative or council approval for group occupancy, pursuant to Appendix B-A of the Zoning Ordinance City Code.

b. The occupancy of the dwelling unit does not exceed the maximum density, minimum space, use and location requirements of section 5-271 of article VI of this chapter.

(13) Required disclosures.

a. The owner is required to disclose to the tenant who is required to provide cooking appliances.

b. The owner is required to disclose and provide documentation if the property has received an administrative hearing officer judgement for chapter 5 violations in the last twelve months.

c. The owner is required to disclose and provide documentation if the property has been treated for an infestation of bed bugs in the last 12 months.

d. The owner is required to disclose and provide documentation if the property was found in violation of the Health Department Lead standards and received a test that required abatement in the last 24 months.

(b) The provisions of this section shall not apply to the following: hotels, motels, short-term-rental units, hospitals, and units of local government or other governmental agencies not subject to the housing code, building code, or zoning ordinance of the City of Peoria, owners who occupy single-family residences, duplexes and purchaser(s) pursuant to a contract for deed who occupy a single-family residence and the contract is duly recorded in the Office of Recorder of Deeds of Peoria County and owners of unoccupied residential property who have filed a signed affidavit with the department of inspections—community development affirming that the property is not occupied and no exterior violations exist. This affidavit must be renewed every six months. This exemption shall only be available to an owner for a 12-month period.
(c) When a nonresidential business or activity, or a state or federally licensed and inspected use occupies a portion of a building or premises which would otherwise be subject to this section, the provisions of this section shall be applicable to the residential and common or public areas of such building or premises.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17666 , § 1, 3-12-19)

Sec. 5-532. - Frequency of inspections.

(a) All dwellings subject to this registration requirement set forth in article XIII (regardless of year built) shall be inspected by the landlord and tenant prior to the time at which the tenant moves in. The landlord and tenant shall review the property using a form provided by the director of community development and said form shall be filled out and signed by both the landlord and the tenant. If systematic inspections are to occur, in cases where an authorized agent other than the owner has been designated to receive notices of code violations pursuant to section 5-521, written notice of the date of the inspection shall be given to the agent and dwelling occupant at least 15 days prior to the date of the inspection. Otherwise, written notice of the date of inspection shall be given to the owner of the property as defined under section 5-520 and the dwelling unit occupant 15 days prior to the date of its inspection. Said notice shall advise the owner or authorized agent and occupant of the inspection, his/her right to refuse inspection of the dwelling unit, and the city's right to seek issuance of an administrative search warrant in the event of any such refusal. No inspection of an occupied dwelling shall occur without the consent of the tenant/occupant unless an administrative search warrant is obtained. It shall be the responsibility of the owner or the designated agent or the occupant to be present at the dwelling unit on the date and time of inspection to provide access for inspection. Property owners wishing to deny access to their property and wishing to have the city obtain an administrative search warrant shall provide the following to the city in writing for each property: (1) owner name and address (agent if applicable) and; (2) property address and tax identification number. The city will recognize and record these denials for access when the above information is provided for each property. An owner's denial of access shall not preclude a tenant from granting access.

(b) Nothing in this section shall preclude the inspection of any premises subject to this article more frequently than set forth in paragraph (a) above; provided, however, that any inspection more frequent than set forth in paragraph (a) above, shall be based upon a citizen complaint or other indicia that is more probable than not that a housing violation exists.

(c) In addition to the inspection pursuant to section 5-531(a), owners, with the consent of tenants/occupants, may request a full minimum housing code inspection pursuant to sections 5-165 through 5-271 hereunder for their rental properties. If, after inspection, the property is found to be in compliance with the full minimum housing code, photographs shall be taken by the inspector to verify that the property meets the minimum housing code. These pictures and the testimony of the inspector may be utilized by the landlord against any tenant who destroys or damages the landlord's rental property.

(d) When a rental property becomes vacant, the owner may request, for his/her convenience, that the inspection pursuant to section 5-53(a) be performed during the vacancy. The city shall make every reasonable effort to comply with the request and perform said inspection during the vacancy. If the city is unable to perform the inspection during said vacancy, then the property remains subject to the inspection as set forth in this article.

(e) A property owner desiring to notify the city that access is denied, prior to a request for an inspection, may do so by advising the city in writing that they wish to deny access to their property and require the city to obtain an administrative search warrant. Said notice should be in writing and should contain the following information: (1) owner name and address (agent if applicable); and (2) property address and tax identification number. An owner's denial of access shall not preclude a tenant from granting access.
In addition, all dwellings subject to this registration requirement set forth in article XIII (regardless of year built) shall be inspected by the landlord/property owner and tenant prior to the time at which the tenant moves in and at least once a year. The landlord/property owner and tenant shall review the property using the form provide by the City of Peoria and said form shall be completed and signed by both the landlord/property owner and tenant. The form must be provided to the City of Peoria within 24 hours of being requested. Property owners are required to disclose to the current tenant and any future/prospective tenants if they have a current administrative hearing office case for chapter 5 violations, if they have been convicted of criminal housing management or had any chapter 5 cases in the last 12 months that resulted in a fine. In addition to inspecting all items on the form an ensuring all issues are in compliance, all other information must be filled out completely. Property owners are required to provide tenants with a tenant right and responsibility form created by the City of Peoria as part of the self-inspection process.

The city will make every reasonable effort to recognize any other constitutionally recognized method of refusing access to a building but will recognize denials for access when the above information in provided for each property.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 6, 2-24-09; Ord. No. 17322, § 1, 2-9-16; Ord. No. 17645, § 1, 12-11-18; Ord. No. 17666, § 1, 3-12-19; Ord. No. 17729, § 1, 11-12-19)

Sec. 5-533. - Inspection certificate required.

Proof of registration of a dwelling under article XIII shall constitute a temporary certificate of inspection and shall authorize the owner to rent such dwelling; provided, however, that a registration renewal will supersede a pending violation of this article XIV.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 7, 2-24-09; Ord. No. 17666, § 1, 3-12-19)

Sec. 5-534. - Inspection procedure.

(a) Inspections required by the tenant and landlord prior to tenant occupancy will be documented on the inspection form provided by the director of community development. This inspection will consist of such portions of the interior health and life-threatening violations listed in section 5-531 as the director of community development deems appropriate, and which are listed on the form. This inspection form will be the responsibility of the landlord to maintain and [be] made readily available at the request of the city. Failure to provide the inspection form within 24 hours at the request of the city will result in a fine of not less than $200.00 nor more than $500.00.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 8, 2-24-09; Ord. No. 17666, § 1, 3-12-19; Ord. No. 17729, § 1, 11-12-19)

Sec. 5-535. - Reserved.


Sec. 5-536. - Fee schedule.

The following fee schedule is imposed in connection with the inspection and re-inspection of a dwelling or dwellings:
Initial inspection and the first reinspection fees are waived.

Reinspection Fee

When any subsequent re-inspection is required an additional $100.00 re-inspection fee will be charged for each unit that is re-inspected.

For the purposes of this subsection, dwelling unit shall mean a single unit providing complete independent living facilities for one or more persons including permanent provision for living, sleeping, eating, cooking and sanitation.

The owner as defined under section 5-520 of article XIII shall be responsible for payment of the inspection fee(s) hereunder.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 10, 2-24-09)

Sec. 5-537. - Certificate availability.

Upon request of an existing or prospective tenant, the owner or designated agent shall produce a copy of the previous registration form and the last self-inspection form on record.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17666, § 1, 3-12-19)

Sec. 5-538. - Suspension or revocation of certification.

If the director of inspections community development or his designee determines that any applicable city code or ordinance has been violated after notice of such violation(s) has been given and the time allowed to correct any such violation under section 5-534 has expired, he/she may suspend or revoke the certificate of inspection. In addition, the director shall have the authority to suspend or revoke a certificate of inspection in the event that the owner fails to register the dwelling as required under section 5-521 and 5-523 of article XIII.

(Ord. No. 15736, § 1, 1-18-05)

Sec. 5-539. - Penalties.

(a) It shall be unlawful for any person to occupy, lease or cause to be leased any dwelling without self-inspection form required under section 5-533. Each day that any dwelling does not have the self-inspection form required hereunder shall constitute a separate and distinct violation.

(b) Any person committing a violation under section 5-533 of this chapter, shall, upon conviction thereof, be fined not less than $100.00 nor more than $500.00 for each day that said violation is proven to exist.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17666, § 1, 3-12-19)

Sec. 5-540. - Appeal process.

Any owner or other person aggrieved by any action taken by the city pursuant to this Article XIV may request a review by or may make an appeal to the administrative hearing officer. Upon receipt of the request or appeal, hearing officer shall hear and consider the matter. The owners shall have the right to appear and be represented by counsel. The hearing shall be held within 45 days after a request is received by the administrative hearing officer.
Sec. 5-541. - Filing of decision with director of inspections/community development, copy to be sent to appellant.

Every decision of the administrative hearing officer shall be promptly filed in the department of inspections/community development. A copy of the decision shall be sent by mail or otherwise to the person appealing.

Sec. 5-542. - Proceedings to be public records

The proceedings at the hearings held pursuant to this article, including the findings and decision of the hearing officer and the reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the legal department. The record shall also include a copy of every notice and order issued in connection with the matter.

Sec. 5-543. - Other actions.

Nothing in this article shall prevent the city from taking action under any applicable city code or ordinance for any violation thereof or limit the right or authority of the city to seek injunctive relief or other appropriate legal remedy for any violation of such code or ordinance.

Sec. 5-544. - Severability.

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this article that can be given effect without the invalid provision, and for this purpose the provisions of this article are hereby declared to be serviceable.
ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Footnotes:
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Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Sec. 5-26. - Administrative authority designated.

Whenever the term "administrative authority" or "code official" is used in this chapter or in any technical code adopted by reference by any section of this chapter, this term shall mean the building official of the city or his/her designate.

(Code 1957, § 8-288; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)


Sec. 5-27. - Enforcement of building code permit and license requirements.

(a) Compliance required; penalty. It shall be a violation of the provisions of this chapter for any person to initiate any activity which under the provisions of this chapter requires the obtaining of a permit or license before starting such activity. The city may elect to enforce this penalty on the property owner, the contractor, the permit applicant or the person or entity doing the work. The penalty for such violation shall be a fine of not less than $100.00 for the first offense, not less than $300.00 for the second offense, and not less than $500.00 for third or subsequent offense within any two-year period. If a person or entity is found to be in violation of this section more than three times within a two-year period, they will not be allowed to pull permits in the City of Peoria for a 12-month period. If they are a licensed contractor as defined by this chapter, this license will be revoked. After the 12-month period, a person or entity must pay a $200.00 reinstatement fee and not owe the City of Peoria any money. A person or entity can petition the City of Peoria to reduce the 12-month period and a hearing will occur in front of the administrative hearing officer as defined in Chapter 32. A petition fee of $300.00 will apply.

(b) Notice to comply; form; service. The code official or his/her designate is hereby authorized and empowered to notify the owner or person in control of such activity for which a permit or license is required within the provisions of this chapter within the city, or the agent of such owner or person in control, to comply with the provisions of this chapter. Such notice may be incorporated in a standard form complaint which may be served by personal delivery of a copy of the complaint addressed to such individual owner or person in control at his last known address or mailing of a copy of the complaint addressed to the owner, agent or person in control at his last known address. Personal service shall be by the code official, any authorized inspector, police officer of the police department or any person authorized by law to make personal service. If service cannot be delivered, the city may post the complaint at the site that the illegal work was occurring.

(Code 1957, §§ 8-289, 8-290; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96; Ord. No. 17322, § 1, 2-9-16)

Secs. 5-28—5-40. - Reserved.

DIVISION 2. - BUILDING INSPECTIONS DIVISION
Sec. 5-41. - Composition; supervision.

The building inspections safety division may include building inspectors, plumbing inspectors, electrical inspectors, HVAC inspectors, combination inspectors, plans examiners, and such other assistants and employees as the city manager may provide for; provided that the city manager shall always provide for the employment by the city of at least one plumbing inspector who is a state licensed plumber. All such inspectors shall be under the supervision of the code official and shall perform such duties as the code official may require or as are required by ordinance.

(Code 1957, § 8-39; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

Sec. 5-42. - Duties generally.

(a) The building inspections safety division shall conduct building, commercial property maintenance, plumbing, electrical, and one- or two-family building inspections, and enforce the ordinances relating thereto.

(b) The code official has the administrative authority to promulgate rules and regulations which serve to interpret or supplement the provisions of the code, as long as such rules conform to the intent of the code.

(c) The code official shall have the authority to accept alternative proposals for rehabilitation of existing structures where strict compliance with code would cause impractical difficulties, provided that an Illinois licensed architect or Illinois licensed structural engineer has reviewed the structure and alternative proposals and has submitted reports as required by the code official. The cost of all professional reviews and reports are the responsibility of the applicant.

(Code 1957, § 8-40; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96; Ord. No. 14471, § 1, 3-24-98)

Secs. 5-43—5-55. - Reserved.

DIVISION 3. - CONSTRUCTION COMMISSION

Footnotes:

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Editor's note—Ord. No. 13948, § 1, adopted June 13, 1995, amended the title of Art. II, Div. 2, to read as herein set out. See the Code Comparative Table.

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Editor's note—Ord. No. 13838, § 1, adopted Nov. 8, 1994, repealed §§ 5-56—5-63 and enacted new provisions designated as §§ 5-56—5-74, to read as herein set out. See the Code Comparative Table.
There is hereby established the construction commission of the city which shall consist of the following:

(1) Two Illinois licensed architects.
(2) One Illinois licensed structural engineer.
(3) One fire protection engineer.
(4) One licensed electrician.
(5) One licensed HVAC contractor.
(6) One licensed plumber.
(7) One resident contractor.
(8) One commercial contractor.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

Sec. 5-57. - Terms of members; vacancies; chairpersons, etc.

The mayor shall appoint the members of the commission with the consent of the city council. No city employee shall be appointed or serve as a member. Upon the expiration of the term of office of a commission member, the successor shall be appointed for a term of four years. Vacancies shall be filled for the unexpired term in the manner in which the original appointments are made.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

Sec. 5-58. - Election of chairperson.

The commission shall annually elect one of its members to serve as chairperson.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-59. - Duties and authority.

The construction commission shall be empowered with the following duties and shall have the following authority:

(1) To review proposed changes to the building and commercial property maintenance codes of the city and advise the city council thereon.
(2) To advise the city council on the standards to be adopted by the city for the licensing of various building and construction contractors within the city.
(3) To perform all duties required of a board of appeals by any of the various building and commercial property maintenance codes adopted by the city, with the exception of the Plumbing Code, the Illinois Energy Code, and the Illinois Accessibility Code.
(4) To hear and decide appeals of actions taken by the fire marshal as set forth in section 11-99.
(5) To hear and decide variances of the city's building and commercial property maintenance codes as provided in section 5-61.
(6) To perform such other duties as this Code and the codes adopted in this chapter may assign to the board of appeals.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14471, § 1, 3-24-98)
Sec. 5-60. - Meetings.

The construction commission shall meet regularly as needed to review and act upon matters which come before the construction commission. Whenever the commission believes that an item which is on the agenda for a meeting concerns a matter where the expertise of a technical representative is required, qualified experts can be requested to provide technical information to assist the construction commission.

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-61. - Right to appeal and variance request.

(a) An appeal may be taken by the parties aggrieved by a decision of the building official in the following instances:

1. In cases where discretionary power in estimating damages is given to the building official.
2. In questions relating to the security or insecurity of any building or part thereof.
3. In all other cases when discretionary powers are by this chapter given to the code official and/or fire marshal.

(b) A request for a variance from the city building codes may be taken to the construction commission for new construction or remodeling existing residential and commercial structures when strict compliance:

1. Would cause exceptional practical difficulties; or
2. Would work a particular hardship upon the owner or user of such property, as distinguished from a mere inconvenience for such owner or user, and provided that it can be shown to the satisfaction of the construction commission that such relief can be granted without substantially impairing the general purpose or intent of the provisions of the City of Peoria codes.

(c) A request for a variance from the commercial property maintenance code may be taken to the construction commission. The construction commission may grant relief from strict compliance of each provision of the commercial property maintenance code if the petitioner meets one or more of the following criteria:

1. There is substantial compliance with the provision of the commercial property maintenance code.
2. The granting of the variation will not be detrimental to the public health or safety or injurious to other property or improvements in the neighborhood in which the property is located.
3. The intent of the commercial property maintenance code is not compromised.
4. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, and undue hardship would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
5. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same classification.
6. The code requirement creates a financial hardship for the petitioner that does not impose a life safety threat to the public.
7. The practical difficulty or hardship is caused by this section and has not been created by any persons presently having an interest in the property.
8. The safety of the building occupants will not be jeopardized.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14471, § 1, 3-24-98)
Sec. 5-62. - When appeal to be filed; records.

An appeal may be taken within 30 days from the date of the decision appealed from, by filing with the building official and with the chairperson of the construction commission a notice of appeal, specifying the grounds thereof, except that in the case of a building or structure which in the opinion of the building official is unsafe or dangerous. The building official shall forthwith transmit to the construction commission all the records upon which the action appealed from was taken.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-63. - Hearing and decision.

(a) The construction commission shall in every case requesting an appeal or variance hold a hearing and reach a decision without unreasonable or unnecessary delay. Every decision of the council commission shall be in writing and shall be promptly filed in the office of the code official. A copy of the decision shall be sent by mail or otherwise to the appellant.

(b) If a decision of the board reverses an order of the code official and/or fire marshal, they shall take action in accordance with such decision.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-64. - Disqualification of member.

A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-65. - Secretary to the commission.

The code official shall designate a qualified clerk to serve as secretary to the commission. The secretary shall file a record of all proceedings in the office of the building inspections division.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

Sec. 5-66. - Meetings to be open, etc.

All meetings of the commission shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-67. - Postponed hearings.

When seven members are not present to hear an appeal, either the code official, the appellant, or the appellant's representative shall have the right to request a postponement of the hearing. A minimum of five members shall be present to form a quorum.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95)
Sec. 5-68. - Commission decision.

The commission shall modify or reverse the decision of the code official and/or fire marshal by a concurring vote of seven members, or six out of eight, five out of seven, four out of six, or three out of five.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-69. - Resolution.

The commission's decision shall be provided in writing to the appellant, the code official and/or fire marshal.

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-70. - Administration.

The code official and/or fire marshal shall take action in accordance with the commission's decision.

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-71. - Court review.

Any person shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-72. - Duties of the construction commission.

The construction commission will also serve as and perform duties of the electrical commission, HVAC commission, and similar trade commissions.

(Ord. No. 13838, § 1, 11-8-94; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-73. - Purpose generally.

The construction commission is not for policy or political deliberations. It is intended that appeals and matters be decided purely on their technical merits, with due regard for state-of-the-art construction technology.

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-74. - Intent of appeal process.

The intent of the appeal process is not to waive or set aside a code requirement; rather it is intended to provide a means of reviewing a code official's decision on an interpretation or application of the code or to review the equivalency of protection to the code requirements.
Sec. 5-75. - Records.

A record of all construction commission modifications and/or interpretations shall be maintained by the building inspections safety division to be used for reference in deciding similar issues that are brought to the code official and/or construction commission.

Sec. 5-76. - Issuance; contents.

The code official shall within 20 days after an application has been filed by the owner or general contractor, issue a certificate of occupancy, if after inspection it is found that the building and site for which the certificate was requested substantially complied with the provisions of this chapter and all other requirements of law or ordinance applicable thereto. Such certificate of occupancy shall show the business name, the use group and type of construction, in accordance with the building code, and the zoning district and use in accordance with the unified development code.

Sec. 5-77. - Issuance of temporary certificates.

(a) Upon written request, the code official may issue a temporary certificate of occupancy for the use of any building or structure prior to the completion and occupancy of the entire building or structure and general development standards of such property, provided that such portion or portions shall be occupied safely prior to full completion of the structure or the general development standards of such property without endangering life or public welfare and upon the following conditions:

(1) The owner or general contractor deposits sufficient funds reasonably calculated for the cost of full compliance with all the applicable ordinances or state law payable to the city in an escrow account established by the city;

(2) Said temporary certificate of occupancy may be revoked if conditions are not complied with as determined in writing by the code official;

(3) Such temporary certificate of occupancy shall expire up to six (6) months from the date of issuance;

(4) Temporary certificates of occupancy issued prior to the passage of this amendment to this section shall expire six (6) months from the passage date of this amendment; and

(5) No temporary certificate of occupancy shall be issued to an owner or general contractor if the owner, general contractor or any of the principal officers of the owner or general contractor owe any monetary obligation including, but not limited to fines and fees, to the city for any purpose.

(b) The city shall return the above-referenced funds maintained in the escrow account to the owner or general contractor upon the following conditions:

(1) Final certificate of occupancy was granted upon the expiration of the temporary certificate of occupancy;

(2) Upon the final inspection, the building or structure and general development standards of such property are in full compliance with all applicable ordinances or state law;
(3) No fine has been imposed against the owner or general contractor by an administrative hearing officer or a circuit court for violations of this division or other provisions of this Code including, but not limited to Appendix B-A of the Code-Zoning Ordinance and Land-Unified Development Code related to construction, erection, alteration or repair of the building or structure and land development of such property for which the temporary certificate was issued.

(c) The above-referenced funds maintained in the escrow account shall be applied to any unpaid fees or monetary obligations owed to the city including, but not limited to fines against the owner or general contractor imposed by an administrative hearing officer or a circuit court for violations of this division or other provisions of this Code including, but not limited to Appendix B-A of the Code-Zoning Ordinance and Land-Unified Development Code related to construction, erection, alteration, repair or occupancy of the building or structure or general development standards of such property for which the temporary certificate was issued.

(Code 1957, § 8-9; Ord. No. 13948, § 1, 6-13-95; Ord. No. 16804, § 1, 6-26-12)

Sec. 5-78. - Change of occupancy.

The use or occupancy of any building shall not be changed until a certificate of occupancy permitting the new use or occupancy is issued by the code official. No such certificate of occupancy shall be issued unless the building substantially complies with the requirements of this chapter as specified in section 5-76.

(Code 1957, § 8-10; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

Sec. 5-79. - Reserved.

Editor's note—Ord. No. 13948, § 1, adopted June 13, 1995, repealed § 5-79, which pertained to duty of owner and general contractor. See the Code Comparative Table.

Sec. 5-80. - Enforcement.

Whenever the code official of the city or his/her delegate determines that a building or structure does not comply with the requirements set forth in this division, the code official or his/her delegate shall be authorized and empowered to utilize the code hearing process as prescribed under sections 5-273 through 5-285 of the Code. Nothing in this section or division shall be construed to prohibit the corporation counsel or any attorney authorized by him or her from instituting proceedings in court of competent jurisdiction to prosecute any violation of this division.

(Code 1957, § 8-12; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96; Ord. No. 16804, § 1, 6-26-12)

Sec. 5-81. - Occupation of building without certificate prohibited; penalty.

(a) No building shall be occupied in any part thereof unless or until a certificate of occupancy has been issued by the code official. The use or occupancy of any building without first receiving a certificate of occupancy or temporary certificate of occupancy is prohibited.

(b) Any owner, occupant or general contractor found guilty of violating or failing to comply with this division shall be punished by a fine of not less than $200.00 nor more than as provided in section 1-5.

(c) Each day a violation of this section exists shall constitute a separate offense.
Secs. 5-82—5-90. - Reserved.

DIVISION 5. - CONSTRUCTION AND RELATED PERMITS

Footnotes:

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Cross reference— Licenses and miscellaneous business regulations, ch. 18.

Sec. 5-91. - Required; expiration.

(a) It shall be unlawful to construct, enlarge, alter or demolish a structure; or change the occupancy of a building or structure requiring greater strength, exitway or sanitary provisions; or change to a prohibited use; or to install or alter any equipment for which provision is made or the installation of which is regulated by this Code, without first filing an application with the code official in writing and obtaining the required permit therefor; except that ordinary repairs which do not involve any violation of this Code shall be exempt from this section. Building and associated permits are required for work done under housing code violation notices.

(b) If after such permit shall have been granted, the operations called for by the permit shall not be begun within six months after the date thereof, or if such operations are not completed within a reasonable time, determined by the code official at the time of issuance of permit, then such permit shall be void, and no operations thereunder shall be begun or completed until a new permit shall be taken out by the owner, or his agent or contractor, and fees for the original permit shall be paid for such new permit.

(c) In any and all cases where a general contractor is in charge of, or has been hired or employed by an owner or agent to perform such erection, construction, rebuilding, demolition, enlargement, alteration, repairing or removal of any building in the city, it shall be the duty of the general contractor to procure and pay for the permit herein provided for, and to otherwise comply with the provisions of this Code. In all other cases, it shall be the duty of the owner to procure and pay for such permit and to otherwise comply with the provisions of this Code.

(d) Prior to receiving a building permit, an applicant shall obtain permits and/or approvals as required for zoning approval, driveway, sidewalk, parking lot, fire department, health department, sewer district, or any other permits required by any other provision of this code.

(e) It shall be unlawful to place any concrete intended to become part of a foundation system prior to obtaining all permits as required by city ordinance and code.

(f) All permit fees shall be doubled when work that requires a permit is started prior to obtaining the permit.

Sec. 5-92. - Application—Contents generally.

Any owner, contractor, or owner's agent desiring a building permit required by this division shall file with the code official an application therefor in writing, on a blank form to be furnished for that purpose. Every such application for a permit shall describe the land upon which the proposed building or work is to
be done, by house number, lot, block or tract, or similar general description that will readily identify and
definitely locate the proposed building or work.

(Code 1957, § 8-54; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

Sec. 5-93. - Same—Plans and specifications generally.

(a) Four paper and one electronic copies of drawings, and specifications, and engineering site plans for the proposed improvement and four copies of an engineering site plan showing the location of the proposed building, and of every existing building thereon, shall accompany every application for a permit required by this division, and shall be filed with the code official provided, however, that the code official may authorize the issuance of a permit without drawings or specifications for minor work not involving structural alterations.

(b) Complete drawings or facsimiles of same showing all important dimensions shall be drawn to scale and with the specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show the same will be complied with according to law. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the drawings shall accompany the drawings and specifications when required by the code official.

(c) When the quality of materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information.

(d) All drawings, specifications and other instruments of service filed with an application for a building permit shall bear the seal of a licensed architect of the state or a registered structural engineer of the state; except that drawings, specifications and other instruments of service, for buildings exempt from this requirement under the provisions of the laws enumerated hereinbelow, may be filed bearing such evidence of authorship as may be required by such laws. Laws hereinbefore referred to are as follows: Illinois Architecture Practice Act of 1989 (225 ILCS 305/1 et seq.) and the Structural Engineering Licensing Act of 1989 (225 ILCS 340/1 et seq.).

(e) The first sheet shall include the address, project name, engineer's and/or architect's name if applicable, a reproducible seal, date, type of construction, use group(s), installed fire protection and design options and an index to all sheets forming the complete set of documents.

(f) The first sheet of all commercial plans submitted for plan review shall include a "statement of compliance." The statement of compliance shall affirm that the architect/engineer has prepared, or caused to be prepared under their direct supervision, the plans and specifications in compliance with the Environmental Barriers Act and the Illinois Accessibility Code. Refer to the Illinois Accessibility Code for format of "statement of compliance."

(Code 1957, § 8-55; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-94. - Issuance; disposition of drawings and specifications.

(a) The application, drawings, site plan and specifications filed by an applicant for a permit shall be checked by the building inspections' building safety staff and by the city engineer, traffic engineer, planning director, zoning staff, health department, and fire department, and other applicable reviewing agencies and if found to be in conformity with the requirements of this chapter and all other laws or ordinances applicable thereto, and if the engineering site plan and drawings are approved in all respects by all other departments of the city involved, the code official shall, upon receipt of the required fee, issue a permit therefor.

(b) When the building inspections' safety division issues the permit they shall endorse in writing or stamp both sets of drawings and specifications "Plans reviewed and substantially comply with the City of Peoria building codes." One such approved set of drawings and specifications shall be
(c) The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation.

(Code 1957, § 8-56; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-95. - Alteration of and deviations from drawings and specifications.

It shall be unlawful to erase, alter or modify any lines, figures or coloring contained upon such drawings or specifications so stamped by the code official or filed with him/her for reference. If, during the progress of the execution of such work, it is desired to deviate in any manner affecting the structure or other essentials of the building from the terms of the application, drawing or specification, notice of such intention to alter or deviate shall be given to the code official and his written consent shall first be obtained before such alteration or deviation may be made.

(Code 1957, § 8-57; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

Sec. 5-96. - Effect of issuance.

(a) The issuance of a permit shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.

(b) The issuance of a permit upon plans and specifications shall not prevent the code official from thereafter requiring the correction of errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or any other ordinance of the city.

(Code 1957, § 8-58; Ord. No. 13948, § 1, 6-13-95)

Sec. 5-97. - Fees.

(a) Fees for permits for the construction of new buildings and structures and for the alteration, moving of structures, remodeling and repairing of existing buildings and structures, including all electrical plumbing, mechanical, and miscellaneous permits shall be as follows:

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Plan Review Fee (if applicable)</th>
<th>Permit Fee (Multiplied by the Applicant's Construction Cost)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New residential; residential addition</td>
<td>Residential $150.00</td>
<td>0.0076</td>
</tr>
</tbody>
</table>


Permits

<table>
<thead>
<tr>
<th>Permit Description</th>
<th>Fee</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential alteration; decks; accessory structures</td>
<td>$50.00</td>
<td>0.006</td>
</tr>
<tr>
<td>All other residential permits</td>
<td>$0.00</td>
<td>0.006</td>
</tr>
<tr>
<td>New commercial; commercial addition; commercial alteration</td>
<td>$300.00</td>
<td>0.0085 (first $5 million in value)</td>
</tr>
<tr>
<td>All other commercial permits</td>
<td>$50.00</td>
<td>0.008  (first $5 million in value)</td>
</tr>
</tbody>
</table>

All permit fees shall be doubled when work that requires a permit is started prior to obtaining the permit. Work that is started in response to a bona fide emergency is exempt from prior permit issuance. However, a permit must be obtained within 48 hours of work starting.

(3) All applications for permits that are submitted subsequent to the initiation of construction shall be assessed at twice the permit fee rate described above, for example, from 0.006 to 0.012 for residential and from 0.008 to 0.016 for commercial.

(b) The following are required to obtain permits, but are exempt from the fees listed above.

1. Governmental units that are subject to local building codes
2. Housing development developed primarily for and restricted to households with incomes below 80% of area median income
3. Permits issued to the owner(s) of owner-occupied residential properties for work at their residence
4. Contractors in good standing on the Trusted Contractor list per Section 5-100

(bcc) The code official shall keep a permanent and accurate account of all fees collected and received under this chapter setting forth the names of the persons upon whose account the fees were paid, the date and amount paid, together with the location of the building or premises to which they relate.

(Code 1957, § 8-59; Ord. No. 13316, § 1, 12-10-91; Ord. No. 13845, § 1, 11-29-94; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96; Ord. No. 15267, § 1, 1-29-02; Ord. No. 16037, § 1, 12-8-06; Ord. No. 16634, § 1, 12-14-10, eff. 1-1-11; Ord. No. 17306, § 1, 12-8-15; Ord. No. 17315, § 1, 1-12-16; Ord. No. 17566, § 1, 4-10-18)

Sec. 5-98. - Mud and debris upon public streets.

No person in the city shall allow mud and/or debris of any type to be deposited or allowed to accumulate upon a public way in a manner that would create a nuisance. The building inspections' safety
division and/or code enforcement division shall have the authority to issue violation notices to subject responsible parties to appropriate penalties. If the responsible party refuses to remove and/or clear the public way, the city shall have the work done and bill the responsible party therefor.

(Ord. No. 14155, § 1, 8-13-96; Ord. No. 17306, § 1, 12-8-15)

Editor's note—Ord. No. 17306, § 1, adopted Dec. 8, 2015, repealed § 5-98 and renumbered § 5-99 as 5-98 as set out herein. The former § 5-98 pertained to plumbing inspection fees and derived from Ord. No. 13845, § 1, adopted Nov. 29, 1994; Ord. No. 13948, § 1, adopted June 13, 1995; and Ord. No. 15267, § 1, adopted Jan. 29, 2002. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 5-99. - Inactive construction or development sites.

When development or construction work authorized by a building permit ceases for a period of four months or more, the site will be considered inactive. Further, all sites shall be considered inactive upon the expiration of the building permit, unless an extension is granted by the building official. When a site becomes inactive, the entire site must be graded and sodded/seeded, and all equipment, materials, and construction related fencing must be removed from the site within 30 days. If a property is found to be in default of these regulations by the hearing officer, the City of Peoria shall have the authority to abate the violations, remove all construction materials and debris, and bill the property owner the full cost of the abatement.

(Ord. No. 17619, § 1, 10-9-18)

Sec. 5-100. – Trusted Contractor

A contractor meeting the following standards shall be considered a Trusted Contractor for the purpose of obtaining residential permits that do not require a plan review as authorized in Chapter 5 of the City Code. A Trusted Contractor must obtain all required residential permits, but said permits will be issued at no cost.

(a) Trusted Contractor License Standards

1. Proof of license (if applicable), bonding, and insurance must be provided to the City.

2. Any change in licensing (if applicable), bonding, or insurance must be reported to the City within 10 days of the change.

3. An annual license fee of $500 shall be made to the City of Peoria.

(b) Trusted Contractor Performance Standards

1. Permits must be pulled for all applicable jobs.

2. Permits must be retained at the job site at all times.
3. Work without a permit at any location is prohibited.

4. Contractor licenses (if applicable), bonding, and insurance must be maintained as outlined in the license standards.

5. The first violation of items 1-4 above will result in a ticket and the contractor being placed on probationary status. A second violation within a twelve (12) month period will result in a ticket and removal from the Trusted Contractor list. A contractor that has been removed from the Trusted Contractor list may not apply for a new license for twelve (12) months.

Secs. 5-1010—5-120. - Reserved.