

# **CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, OF THE KANE COUNTY CODE**

**Adopted by the Kane County Board**

**On December 11, 2012**

**Effective January 1, 2013**

*2012 International Building Code as amended*

*2012 International Residential Code as amended*

*2011 National Electrical Code*

*2012 International Fuel Gas Code*

*2012 International Mechanical Code*

*2012 International Existing Building Code*

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*2018 International Energy Conservation Code  
(as adopted by the State of Illinois July 1, 2019)*

*2014 Illinois Plumbing Code  
(as adopted by the State of Illinois)*

*2018 Illinois Accessibility Code  
(as adopted by the State of Illinois October 23, 2018)*

**CHAPTER 6,  
BUILDINGS AND BUILDING REGULATIONS,  
OF THE KANE COUNTY CODE**

CHAPTER 6  
BUILDINGS AND BUILDING REGULATIONS

- Article I. Building Code
  - Division 1. Administration
  - Division 2. One and Two Family Residences and Accessory Structures
  - Division 3. All Other New Construction
  - Division 4. Existing Buildings
  - Division 5. Residential Swimming Pools, Spas & Hot Tubs
- Article II. Nonconforming Buildings and Structures
- Article III. Agricultural Exempt Buildings
- Article IV. Fees

**ARTICLE I. BUILDING CODE**

**DIVISION 1. ADMINISTRATION**

Adoption: Chapter 1, Administration, of the *2012 International Building Code*, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401

The following amendments to Chapter 1 of the *2012 International Building Code* shall apply:

**Section 101 General**

- 101.1 Insert "County of Kane" as the name of the jurisdiction.
- 101.4.3 Plumbing - Delete
- 101.4.4 Property Maintenance - Delete
- 101.4.5 Fire Prevention – Delete

Insert the following new sub-section:

- 101.5 Affect

Nothing in this ordinance or in the Kane County Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

### **Section 103 Department of Building Safety**

103.1 Insert "The Building & Community Services Division of the Kane County Development Department shall act as the Department of Building Safety."

### **Section 105 Permits**

105.2 Work exempt from permit.  
Building:

1. Delete "tool and storage sheds" and "similar uses".
2. Delete entire text and insert "Fences of any height that can be seen through."

105.5 Expiration.

Insert the following at the end of the text:

"After two (2) years, if the work is not completed, the permit will expire and a new permit will be required for all remaining work. Permits for demolition shall expire 90 days after day of issuance. Permits for swimming pools, repairs, minor alterations, damage assessment, decks, accessory structures, electric service, privacy fences, temporary structures, tower and control buildings, co-locations of antennas, and establishment of use permits shall expire 180 days after the date of issuance. If the work is not completed, an extension or a new permit will be required for all remaining work."

Insert the following new sub-section:

105.8 Conformance with other county regulations and state laws.

No building permit shall be issued for a building to be constructed on any lot, piece, parcel or tract of land that does not conform with provisions of all laws compiled in Chapter 109 of the Illinois Revised Statutes, in force from time to time, and the subdivision regulations and other applicable ordinances in force from time to time in this county and also the county's zoning ordinance, as amended from time to time. No permit shall be issued unless and until the road base, for required roads in any subdivision, has been installed, approved and accepted by the proper authority. No permit shall be issued for any public building or facility, used by the public, unless plans and specifications for such building, or facility, meet the standards promulgated pursuant to the provision of the Illinois Accessibility Act April 24, 1997, as amended from time to time.

Insert the following new sub-section:

"105.9 Construction waste and site materials. Construction waste and site materials, of any type, will be contained on the property from which it was generated. Waste and site materials will be removed in a manner, which prevents injury or damage to persons, adjoining properties and public right-of -ways. All waste and site materials will be disposed of properly per local, state and federal guidelines."

### **Section 107 Submittal Documents**

Insert the following new sub-section to 107.1 Submittal Documents:

"107.2.6 Component parts of prefabricated structures.

In order to permit the use of component parts in a structure erected on a site in the county, which component parts are manufactured or fabricated at an offsite location in such a manner as to comply fully with requirements of this article, but which arrive at the site of erection having inside wall covering already installed and, thus, rendering inspection thereof impossible or difficult, then, in such cases the inspection required by this article at the time after the building is framed, roofed, and rough wiring and plumbing installed, but before any inside wall is installed, will be waived if the following conditions are first satisfied:

- (1) That evidence satisfactory to the building officer shall be submitted to the building officer that the component part or parts are manufactured or fabricated

by a manufacturer in a uniform manner and production control procedures are maintained and the records thereof are kept; copies of said records are made available to the building officer.

(2) That the plans and specifications for the component parts prepared in such detail as to evidence compliance with the requirements of this article are submitted to the building officer for approval if found to be in compliance with the requirements of this article.

(3) That said plans and specifications shall have contained on each page thereof the certificate of an Illinois registered architect or structural engineer attesting that said plans and specifications provide for full compliance with the construction requirements of this article.

(4) That there be furnished to the building officer prior to the use of the prefabricated component part at the site of erection a certificate of the manufacturer attesting to the fact that said part was constructed or fabricated in strict accordance to the applicable plans and specifications, which plans and specifications shall be specifically identified.

(5) That the builder or manufacturer furnish to the building officer and/or his representative, transportation to and from the place of manufacture of said building, on the day of construction of said building, so said officer can inspect fully the building to be erected in the county.

(6) See Appendix E "Manufactured Housing Used as Dwellings", 2012 International Residential Code for additions, alterations or repairs to existing manufactured homes and building service equipment."

### **Section 110 Inspections**

Section 110.3.1 Footing and foundation inspection.

Insert the following at the end of the text:

"An approved solid base for the proposed drive must be installed from the appropriate public right-of-way to within 25 feet of the structure prior to scheduling a footing and foundation inspection to provide safe and adequate access to the structure for building inspectors and emergency vehicles."

### **Section 113 Board of Appeals**

Delete Section 113 Board of Appeals and insert the following:

Section 112 Appeals and disputes

113.1 Appeals to the County Development Committee

113.1.1 An appeal may be taken to the Development Committee of the County Board by any person aggrieved, from any order, requirement, decision or determination made by the building officer. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the building officer and with the Development Committee a notice of appeal, specifying the grounds thereof. The Development Committee shall thereupon set a reasonable date, time, and place certain for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or his attorney, and to the building officer.

113.1.2 The Development Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that shall have all the powers vested in the building officer by this article.

113.1.3 The concurring vote of five (5) members of the Development Committee shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the building officer. The Development Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

113.1.4 All decisions of the Development Committee hereunder shall be reduced to writing, filed with the clerk of the county, and a copy thereof mailed to the appealing party and to the building officer.

113.2 Disputes

Where a dispute arises regarding a code interpretation or engineering opinion furnished by the owner of property involved in any matter covered by this article, the county may engage the services of a qualified registered architect or engineer. The owner of the property involved shall reimburse the county for the reasonable customary cost of such services. Where a permit is issued, such engineering expense shall be added to the permit fee. Where no permit is issued, such expense shall be paid by the owner of the property or may be collected by civil action against the owner.

## Chapter 2 Definitions

Insert the following new definition:

“Useable Space. Any space in or attached to a building including habitable spaces, living spaces, occupiable spaces and all other areas including storage spaces, utility spaces, mechanical spaces, unfinished basements, open porches, decks, and breezeways.”

## DIVISION 2. ONE AND TWO FAMILY RESIDENCES AND ACCESSORY STRUCTURES

Adoption: 2012 *International Residential Code*

*Appendix A Sizing and Capacities of Gas Piping*

*Appendix B Sizing of Venting Systems*

*Appendix C Exit Terminals of Venting Systems*

*Appendix D Recommended Procedures for Safety Inspection of an Existing Appliance Installation*

*Appendix E Manufactured Housing Used as Dwellings*

*Appendix F Radon Control Measures (not mandatory)*

*Appendix J Existing Buildings and Structures*

*Appendix L International Residential Code Electrical Provisions*

*Appendix Q ICC/NEC Cross-Reference*

*(Appendix I, & K, L, and M, O, P are not adopted)*

*Appendix G adopted in Division 5, Residential Swimming Pools, Spas and Hot Tubs, of this section*

*2011 National Electrical Code*

The following amendments to the 2012 International Residential Code shall apply:

**Chapter 1 Administration**

The same amendments to Chapter 1 Administration of the 2012 International Building Code listed in Division 1 of this ordinance that pertain to text duplicated in this chapter do likewise apply.

In addition, the following non-duplicated text is amended as follows:

**Section R105 Permits**

R105.2 Work exempt from permit.

Building:

Delete “1. One-story detached structures, providing the floor area does not exceed 200 square feet.”

**Chapter 2 Definitions**

**Townhouse**

Delete definition for townhouse and insert the following:

“Townhouse. A single family dwelling unit constructed in a group of two (2) up to six (6) attached units in which each unit extends from foundation to roof and with open space on at least two sides. Dwelling units where more than six (6) units are attached shall be governed by the 2003 International Building Code.

**Insert the following new definition:**

“**Useable Space.** Any space in or attached to a building including habitable spaces, living spaces, occupiable spaces and all other areas including storage spaces, utility spaces, mechanical spaces, unfinished basements, open porches, decks, and breezeways.”

**Chapter 3 Building Planning**

**Section R301 Design Criteria**

R301.2(1) Insert:

Ground Snow Load in Pounds per Square Foot	Wind	Seismic Design Category <sup>f, g</sup>	Subject to Damage From				Winter Design Temp <sup>i</sup> (F deg)	Ice Shield	Flood Hazard <sup>h</sup>	Air Freezing Index	Mean Annual Temp.
	Wind Speed		Weathering <sup>a</sup>	Frost Line Depth In Inches <sup>b</sup>	Termite <sup>c</sup>	Decay <sup>d</sup>					
30 lbs/sf	90 mph Topo effect No	B	Severe	42 inches	Moderate - Heavy	Slight - Moderate	- 5 °	Yes	See Local Ordin.	2000	48.5°

R301.2.4 Floodplain Construction

Delete and insert the following:

“For buildings and structures in flood hazard areas as established on local floodway rate maps, locally adopted floodplain ordinances shall apply.”

## **Section R302 Fire Resistant Construction**

### Section R302.2 Townhouses

Delete Section R302.2 Townhouses and the corresponding exception and insert the following:

#### “R302.2 Townhouses

Each townhouse, as defined in this code, shall be constructed as a separate single-family dwelling and shall be separated by a minimum of a two (2) hour rated solid masonry wall between living units, which shall extend vertically from the foundation to the underside of the roof sheathing and horizontally the full length of the common wall. The number of single family dwelling units attached in this manner shall not exceed six (6).”

R302.2.4 Structural independence.

Delete Exceptions 2. and 5.

Delete Section R302.3 Two-family dwellings and the corresponding exception and sub-section.

## **Section R310 Emergency Escape and Rescue Openings**

### R310.1 Emergency escape and rescue required.

Delete the first sentence and insert the following:

“Basements and every sleeping room shall have at least one openable emergency escape and rescue opening.”

## **Section R313 Automatic Fire Sprinkler Systems**

R313.1 Townhouse automatic fire sprinkler systems. Change “shall” to “may”.

R313.2 One- and Two-family dwellings automatic fire systems. Change “shall” to “may”.

## **Section R314 Smoke Alarms**

R314.1 Smoke detection and notification.

R314.3 Location

Delete 2. and insert the following:

“2. Outside each separate sleeping area within 15 feet of every room used for sleeping purposes per 425 ILCS 60, Smoke Detector Act.”

## **Chapter 4 Foundations**

### **Section 401 General**

Delete Section R401.1 and insert the following:

“R401.1 The provisions of this chapter shall control the design and construction of the foundation and foundation spaces of all buildings. Wood foundations shall not be allowed.”

### **Section R402 Materials**

Delete the following section and corresponding sub-sections:

Section R402.1 Wood foundations

### **Section R403 Footings**

Delete Section R403.1.1 Minimum size and insert the following:

“R403.1.1 Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width, W, shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings width shall be twice the width of the foundation wall and not less than 16 inches. Spread footing Thickness (depth) shall be equal to the width of the foundation wall and not less than 8 inches. Footing Projections, P, shall be  $\frac{1}{2}$  the width of the foundation wall, not less than 2 inches and shall not exceed the thickness of the footing. The minimum size for deck piers shall be 12 inches in diameter.”

Insert the following new sub-section:

“R403.1.4.3 Exterior footings and foundation systems for detached accessory structures and non-conditioned attached useable spaces.

1. Detached single story accessory structures shall be allowed to be supported on a turned down slab per R403.1.3.2. or on piers designed and sealed by an Illinois licensed architect or structural engineer.
2. Non-conditioned attached useable space easily capable of converting to conditioned space shall have continuous footings per R403.1.4.1.
  - a. Determination of whether a useable space is easily capable of converting to conditioned usable space shall be per the Building Officials. If any of the following are provided, the non-conditioned useable space may be construed as easily capable of converting to conditioned useable space.
    - i) Exterior insulated walls
    - ii) Insulated roofs
    - iii) Permanently installed weatherproof windows and/or doors
    - iv) Electrical fixtures or outlets consistent with habitable space or living space
    - v) Heating or air conditioning appliances or provisions for same
    - vi) Plumbing fixtures or provisions for same
3. Non-conditioned attached usable space not easily capable of converting to conditioned useable space may be supported on pier foundation systems that extend to frost depth.
  - a. Non-conditioned structures built on pier systems shall not be converted to attached conditioned useable space without addressing the lack of a continuous footing to the satisfaction of the Building Official.

Delete the following section and corresponding sub-sections:

Section R403.2 Footings for wood foundations

### **Section R404 Foundation Walls**

Delete the following section and corresponding sub-sections:

Section R404.2 Wood foundations walls

### **Section R405 Foundation Drainage**

Delete the following section and corresponding sub-sections:

Section 405.2 Wood foundation drainage



### **Section R408 Under-Floor Space**

Delete Section R408.4 Access and insert the following:

“R408.3 Access. Access shall be provided to all under-floor spaces. Access openings through the floor shall be a minimum 24 inches by 30 inches. Openings through a perimeter wall shall be a minimum of 24 inches by 30 inches. When any portion of the through wall access is below grade, an areaway of not less than 24 inches by 30 inches shall be provided. The bottom of the areaway shall be below the threshold of the access opening. Through wall access openings shall not be located under a door. See M1408.4 for access requirements where mechanical equipment is located under floors.”

Delete Sections R408.5 and R408.6 and insert the following:

“R408.5 Finished grade. Exposed soil shall not be allowed. Four (4) inches of clean granular stone fill or two (2) inches of concrete shall be required over an approved continuous membrane of 6-mil polyethylene or equivalent material. Any joints will be lapped six (6) inches minimum and sealed with an approved material. The distance between the top of the granular fill or concrete, to the bottom of the floor joist above will be a minimum of 24 inches and a maximum 48 inches.”

Delete Section R408.7 Flood resistance and insert the following:

“R408.6 Flood resistance. Flood resistance construction shall meet the requirements of applicable state and local ordinances.”

## **Chapter 5 Floors**

Delete Section R502.7.1 Bridging and insert the following:

“R502.7.1 Bridging. Joists shall be supported laterally by solid blocking, diagonal bridging (wood or metal) at intervals not exceeding eight (8) feet. The Building Official may approve alternate methods of bridging.”

### **Section R504 Pressure Preservatively Treated-wood Floors (on ground)**

Delete the above section and corresponding sub-sections.

### **Section R506 Concrete Floors (on ground)**

Insert the following new sub-section:

“R506.2.1.1 Back-fill under concrete floors in attached garages.

The sub-base for poured concrete garage floors shall be undisturbed inorganic soil.

a. Fill materials brought from off site shall be clean, graded sand, crushed stone or gravel.

b. When site soil is used as fill, it shall be appropriately compacted. The slab shall be doweled into the foundation wall as follows. Dowels (#4) shall be 3'-4" long, shall be doweled into foundation wall a minimum of 4", and shall be spaced at 24" on center; on all walls that do not provide 4" of bearing for slab.”

## **Part VII Plumbing**

Delete the following chapters:

- Chapter 25 Plumbing Administration
- Chapter 26 General Plumbing Requirements
- Chapter 27 Plumbing Fixtures
- Chapter 28 Water heaters
- Chapter 29 Water Supply and Distribution
- Chapter 30 Sanitary Drainage
- Chapter 31 Vents
- Chapter 32 Traps

Insert the following text:

“The design and installation of all plumbing shall be in accordance to the Illinois Plumbing Code and all other applicable federal, state and local ordinances.”

## **ALL OTHER NEW CONSTRUCTION**

Adoption:     *2012 International Building Code*  
                  *2012 International Mechanical Code*  
                  *2018 International Energy Conservation Code*  
                  as published by the International Code Council, 5203 Leesburg Pike,  
                  Suite 600, Falls Church, Virginia, 22041-3401  
                  *2011 National Electrical Code*  
                  as published by the National Fire Protection Association, Inc., One  
                  Battery March Park, Quincy, Massachusetts, 02269

The following amendments to the *2012 International Building Code* shall apply:

### **Chapter 1 Administration**

Amendments to Chapter 1 Administration of the *2012 International Building Code* are listed in Division 1 of this ordinance. Amendments that pertain to text duplicated in this chapter of the *2012 International Mechanical Code*, *2012 International Electrical Code*, and the *2018 International Energy Conservation Code* do likewise apply.

### **Chapter 11 Accessibility**

In addition to Chapter 11 Accessibility, the following shall apply:  
“The design and installation of all accessibility features shall be in accordance to the Illinois Accessibility Code and the Department of Housing and Urban Development Fair Housing Act Design and Construction requirements, Section 3,(24 CFR 100.205), 4 and 5 (Guidelines).”

### **Chapter 29 Plumbing Systems**

Delete Chapter 29 Plumbing Systems and insert the following text:  
“The design and installation of all plumbing shall be in accordance to the Illinois Plumbing Code and all other applicable federal, state and local ordinances.”

## **DIVISION 4. EXISTING BUILDINGS**

Adoption:     *2012 International Existing Building Code*  
                  *2012 International Mechanical Code*  
                  as published by the International Code Council, 5203 Leesburg Pike,  
                  Suite 600, Falls Church, Virginia, 22041-3401  
                  *2018 International Energy Conservation Code*  
                  as published by the International Code Council, 5203 Leesburg Pike,  
                  Suite 600, Falls Church, Virginia, 22041-3401  
                  *2011 National Electrical Code*  
                  as published by the National Fire Protection Association, Inc., One  
                  Battery March Park, Quincy, Massachusetts, 02269

The following amendments to the *2012 International Existing Building Code* shall apply:

### **Chapter 1 Administration**

Amendments to Chapter 1 Administration of the *2012 International Building Code* are listed in Division 1 of this ordinance. Amendments that pertain to text duplicated in this chapter of the *2012 International Existing Building Code*, *2012 International Mechanical Code*, , and the *2012 International Energy Conservation Code* do likewise apply.

**DIVISION 5. RESIDENTIAL SWIMMING POOLS, SPAS & HOT TUBS**

Adoption: *Appendix G Swimming Pools, Spas & Hot Tubs, 2012 International Residential Code as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401*

**ARTICLE II. NONCONFORMING BUILDINGS AND STRUCTURES**

As used in this article, the term "nonconforming building or structure" means an existing building or structure or part or appurtenance thereof not in conformance with the provisions of the county's zoning ordinance, as amended. Repair work on a nonconforming building or structure requires a written application and permit. Work shall be limited to necessary repairs only unless the building or part thereof is made to conform in whole or part with the requirements of the county's zoning ordinance, as amended. Altering or enlarging of the same shall be done in conformance with Article I.

**ARTICLE III. AGRICULTURAL EXEMPT BUILDINGS**

Exempt from the provisions of Article I are buildings and structures used for agricultural purposes on land used for agriculture, as defined in the county's zoning ordinance, as amended. To be considered exempt, such building or structure shall be located on land where the raising of crops or animals is the principal occupation of owners, residents or users of said property, and be accessory to the cultivation of crop acreage, the raising of animals, or other agricultural operations as defined in the county's zoning ordinance. Buildings and structures used wholly or partially for residential purposes shall not be considered as agriculturally exempt from the provisions of Article I.

All structures proposed to be constructed or enlarged under the above exemption must first be approved for conformance to the county's zoning ordinance, as amended, in terms of zoning classification, setback, and proposed use of the property and structure. Application for approval must be made on the Building Permit Application form and be accompanied by an agricultural exemption affidavit, three copies of a site plan showing the location of the proposed structure(s), and a building floor plan or diagram indicating the use(s) of interior rooms.