

CHAPTER 2

BUILDING PERMITS AND INSPECTIONS

SECTION:

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5-2-1: REQUIRED PERMITS:

- A. Building Permit: A building permit is required prior to starting any construction, alteration, addition, removal, demolition or restoration of any building or structure or its service equipment.
- B. Certificate of Occupancy: A certificate of occupancy is required prior to occupying or using any building, space, or structure for which a building permit has been issued.

5-2-2: **BUILDING PERMIT APPLICATIONS:** The following procedure shall be followed in applying to the Village for a building permit. (Ord. 73-305-20)

- A As required by the Building Official, three (3) to six (6) sets of construction documents and specifications shall be submitted to the Department of Community Development of the Village, along with two (4) current prints of the Plat of Survey showing the exact location of the building or structure on the lot. The Plat of Survey shall also show all easements, required building setbacks, lot dimensions, street name, north point, lot and block number and subdivision name.

A Site Grading plan shall also be submitted for approval by the Village. The Site Grading plan shall be in accordance with Chapter 8 of Title 5 of this code.

A Construction Staging plan shall be submitted for approval by the Village. The Construction Staging plan shall depict the location of Site Construction Fencing, construction dumpsters, portable toilets and other semi-permanent construction structures and equipment. For new construction, all features described on the Constructing Staging plan shall be depicted as they will be placed after the foundation is poured. (Amd. Ord. 07-2974-02, eff. 2/26/07)

- B. The first review comments will be provided to the Building Permit applicant, by the Building Official within three (3) weeks for residential plans or within six (6) weeks for multiple-family, commercial or industrial plans.
- C. If plans are found not to conform to Village codes and ordinances, the Building Official will provide the applicant with the review comments setting forth the deficiencies. If the plans are in conformance, they will be approved and the applicant will be notified of the fees due the Village. Approval of the plans does not relieve the applicant from the obligation to comply with all codes and ordinances of the Village.
- D. Notice Required:
 - 1. For all permits where site construction fencing shall be required as a condition on commencement of construction, the applicant shall provide written notice to all persons to whom the current real estate tax bills are sent, as shown on the records of the Vernon Township Assessor's office, for all lots any part of which lie within two hundred and fifty feet (250') of the property lines of the lot for which an application has been filed. Such written notice shall give (i) the number, if any, assigned to the application, (ii) the common address of the parcel or parcels involved in the application, (iii) the name and daytime telephone number of the applicant, (iv) the name and daytime telephone number of the person responsible for supervising the work on a daily basis, and (v) a brief description of the proposed improvements.

All such notices must be sent no more than fifteen (15) days following the date the application has been filed. Notices shall be sent by certified or registered mail, return receipt requested. The applicant shall file one copy of the notice and a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and attach thereto copies of all "sender's receipts" as documentation of compliance with this provision. Such affidavit shall be filed with the Lincolnshire Building and Zoning Department not more than four (4) days following the date such notices were mailed.

2. Exemptions.
 - a. For any subdivision or planned unit development which has been granted final approval within the preceding six (6) months, the foregoing notice requirement shall apply only for the first building permit application. In the event more than six months elapse between building permit applications in such subdivision the foregoing notice requirements must be repeated.
 - b. The foregoing notice requirements shall be waived in the event the subject parcel or parcels were subject to a public hearing under Title 6 of the Village Code for which a notice of hearing was sent within the 90 days preceding the date on which the application is filed.

- E. After payment of the fees to the Village Collector; demonstration of compliance with the notice requirements in paragraph (D); submittals are approved by the Village; and a pre-construction meeting has taken place (if required), the Building Permit will be issued and must be posted in a conspicuous place on the premises.(Ord. Amd. 07-2974-02, eff. 02/26/07)

5-2-2-1: BUILDING PERMIT EXPIRATION:

- A. Completion of Work: Every permit issued shall remain valid unless (i) the work authorized by such permit is not commenced within 180 days after the permit is issued, (ii) the work authorized by such permit is suspended after the time when the work is commenced, or (iii) if the work is not completed within 12 months after permit issuance. A temporary Certificate of Occupancy, or a Village approved final inspection report if a Certificate of Occupancy is not required, shall be the document verifying the time of completion. The building official is authorized to grant, at his or her reasonable discretion, one or more extensions of time, for periods not more than 120 days each. The extension shall be requested in writing and justifiable cause demonstrated. Justifiable cause shall be demonstrated by providing the following information; (a) statement of progress to date, (b) reasons for delay/extension, and (c) a projected completion date. Any subsequent extension request which delays completion of construction beyond the applicant's projected completion date shall require evidence of new reasonable delays. Justifiable cause shall not include solely economic reasons. Each extension shall be accompanied by a Permit Renewal fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Building official shall retain the right to extend the initial term for building permits if it is determined that construction of the proposed building, progressing at a reasonable and consistent pace, is expected to extend beyond twelve months. A permit that expires without an approved extension shall also be subject to a permit expiration fee as established in the Comprehensive Fee Schedule set

forth in Chapter 15 of Title 1 of this Code. Any construction taking place after the expiration date will require a new permit with accompanying new fees. In addition, all newly permitted work, and any permitted work legally continuing beyond 36 months from date of original permit issuance will be subject to the currently adopted codes.

For the purpose of this section, work shall be considered “suspended” if less than one sixth of the work authorized by the permit is completed during any consecutive 120 day period.

- B. Removal of Improvements: Within 30 days after the expiration of a permit, if work has not progressed to a point of 50% completion or greater as determined by the Building official, the contractor/owner/applicant shall be responsible for removing any improvements constructed pursuant to the permit and restore the site to its original condition or to a condition acceptable to the building official.
(Ord. Amd. 09-3115-38, eff. 11/9/09)

5-2-3: CERTIFICATES OF OCCUPANCY:

A Certificates Required:

1. Any new, remodeled or moved building, space, or structure, to be used for commercial or residential purposes, or any commercial space requiring tenant change, change of ownership, or occupancy change shall not be occupied until a Certificate of Occupancy has been issued by the Building Official as hereinafter provided.
2. Builders (contractors), developers, carpenters, or other tradesmen shall not deliver possession of a new, remodeled or moved building or structure to be used for residence purposes to the proposed residents of such building or structure until a certificate for such occupancy has been issued by the Building Official as hereinafter provided.
3. Realtors, leasing agents or owners of a new, remodeled or moved building or structure to be used for residence purposes shall not deliver possession of the whole or any part of such building or structure to any tenant or lessee until a certificate for such occupancy has been issued by the Building Official as hereinafter provided;

- B. Requirements for Occupancy: Certificates of occupancy for any new, remodeled or relocated building shall not be issued unless:

1. The building and site comply with all applicable provisions of the Building, Subdivision and Zoning Codes of the Village and/or applicable pre-annexation agreements.
 2. All building fees, inspection fees and other fees shall have been paid to the Village.
 3. Water meter and other connections to all utilities shall have been completed and approved unless waived by the express terms of a pre-annexation agreement. (Ord. 85-860-44)
 4. Driveways shall be constructed in compliance with Section 8-3-14, of the Village Code, Titled Driveway Requirements. (Amd. Ord. 09-3101-24, eff. 06/22/09)
 5. This Section shall apply to all buildings and structures in the Village, including but not limited to residential, commercial and office buildings or structures.
 6. Certificates of Occupancy for nonresidential buildings will be issued for the basic building structure in accordance with the requirements of this Title and Section. Each tenant of a basic building structure which is allowed for office building use under the zoning regulations in Title 6 of this Code, must also be issued a Certificate of Occupancy in accordance with the requirements of this Title and Section.
- C. Filing Application, Fee: When construction has been completed, the owner or his agent shall file with the Department of Community Development an application for a Certificate of Occupancy, which shall be accompanied by the payment of a fee, as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Upon such application being filed, an inspection of the building or structure will be made, and if the same is in compliance with the provisions of this Section and all other applicable provisions of this Title, a Certificate of Occupancy will be issued. If such certificate is not issued in accordance with the provisions hereof, the Department of Community Development shall provide the applicant with written documentation stating the reasons for not issuing the certificate.
- D. Site Grading Plan: At least ten (10) working days prior to submission of the application for a Certificate of Occupancy, the "as constructed" site grading plan must be submitted to the Department of Community Development, in accordance with Chapter 8 of this Title. (Ord. 90-1130-14)
- E. Additional Requirements: When it has been determined by the Department of Community Development that each of the above conditions has been complied with, the

following procedure must, as a condition to the issuance of a Certificate of Occupancy, also be completed:

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4. The Village, upon the issuance of an executed certificate of occupancy to the property owner, shall file a certified copy of said certificate with the County Assessor of Lake County. (Ord. 90-1167-51)

5-2-3-1: TEMPORARY CERTIFICATES OF OCCUPANCY: A Temporary Certificate of Occupancy may be applied for; 1) when all construction has been completed and all that remains to be finished is the final driveway surface, site grading and landscaping in accordance with Chapter 8 of this Title, 2) or the outstanding issues remaining are found, in the sole discretion of the Building Official, to be non-life safety related, or to be of a magnitude that, in the opinion of the Building Official, could be completed in no more than thirty (30) days for residential structures, or sixty (60) days for nonresidential structures. The time allotted and the work allowed to be postponed shall be determined by the Building Official. Final inspections will be performed, by the Village, and a Temporary Certificate of Occupancy may be issued in accordance with the following requirements:

- A. A written application form requesting the issuance of a Temporary Certificate of Occupancy must be submitted to the Department of Community Development together with a filing fee, as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.
- B. The applicant must submit a written estimate of cost to complete such unfinished work and said written estimate of cost must be in a form satisfactory to the Building Official. The applicant must also post a cash deposit to the Village in an amount equivalent to the cost of completing or remedying all items stipulated in the estimate of cost to complete and in the written statement required in subsection C of this Section. The amount shall not be less than as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code per residential structure and as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code per nonresidential structure. An irrevocable letter of credit may be accepted by the Village, at the sole discretion of the Building Official or his designate. However, the irrevocable letter of credit must be from a sound and reputable banking or financial institution (selected by the applicant and

approved in writing by the Village) authorized to issue such irrevocable letter of credit, which irrevocable letter of credit shall be substantially in the form contained in Appendix I of Chapter 7 of Title 3 of this Code.

- C. Applicant must also submit a written statement detailing the unfinished work, which must be completed and be subject to the approval of the Building Official, in order to bring the structure/site in question into full compliance with the approved Building Permit construction documents. This written statement must include the date the structure is to be occupied and the name, address and telephone number of the prospective occupant, and the number of employees, if nonresidential. All statements must be signed by both the contractor/developer and the purchaser of the structure and it must be duly attested by a notary public.
- D. A written agreement, signed by both the contractor/developer and purchaser of the structure, must also be filed with the Village, stating that all unfinished items, as listed in a document entitled Conditions of Temporary Certificate of Occupancy as provided by the Building Official, will be completed on or before the date specified within the Conditions of Temporary Certificate of Occupancy.
- E. The occupant of the structure for which any Temporary Certificate of Occupancy is issued, immediately upon issuance thereof, shall prominently display on a window or door so as to be visible from the street and legible to a person standing on the ground in front of the structure, the " Temporary Certificate of Occupancy". The applicant shall display said notice continuously until a Final Certificate of Occupancy is issued.
- F. When the Temporary Certificate of Occupancy expires, it shall thereafter be unlawful to occupy the area governed by the Temporary Certificate of Occupancy until a Final Certificate of Occupancy has been issued.
- G. A Temporary Certificate of Occupancy shall not be renewed or reissued except by approval of the Building Official, if by his/her determination, there is a reasonable cause for the applicant's failure to complete the necessary work within the effective period of the Temporary Certificate of Occupancy.
- H. In the event that the required unfinished items are not completed in full compliance with the approved documents, by the specified date, the Village may, at its option, cause the work to be completed and pay for the cost of said work out of the cash bond deposited with the Village Clerk. Any cost to the Village to complete said unfinished site grading and landscaping in excess of the cash bond shall become a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within sixty (60) days after any such excess cost is incurred by the Village; the Village

Clerk shall file a notice of such lien in the office of the Recorder of Deeds in Lake County, Illinois, and the Village Clerk is hereby authorized and directed to file such notices of such liens. Said notice of such lien shall consist of a sworn statement setting out a description of the real estate upon or for which the work was completed, the amounts of monies due for such work and the date or dates when such excess costs were incurred and became due. Upon payment of the costs by the owner of such property, or persons interested therein, after the notice of lien has been filed, the lien shall be released by the Village, as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code release fee has been paid in addition to the cost incurred by the Village including the cost of recording the notice of lien.

- I. In the event that the unfinished items are not completed in full compliance with the approved documents, prior to expiration of the Temporary Certificate of Occupancy, the Village shall deduct as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code from the cash bond on deposit with the Village Clerk to reimburse the Village for its additional administrative expenses caused by the failure to complete such work. This shall be in addition to any other fees, penalties, or remedies available to the Village.

5-2-4: INSPECTIONS

- A. **Required:** All permit work and the premises on which the permit work is being performed shall be inspected by the Building Inspector or the appropriate Building Official from time to time during the course of the work until a Final Certificate of Occupancy is issued. The purpose of the inspection shall be to determine that the permit work is being performed and has been completed in conformity with the approved construction documents and this code. No inspections shall be performed for any work or activity that is the subject of a permit that has lapsed per section 105.5 of the International Building Code, unless such permit has been revived pursuant to the provisions of said section 105.5.
- B. **Responsibility of Contractor:** The contractor shall notify the Department of Community Development at least twenty four (24) hours before one of the required inspections is needed.
- C. **Concealed Work:** The Building Official may require any work concealed prior to inspection and approval to be uncovered to the extent the Building Official deems it necessary to accommodate complete examination and approval of the work.

- D. Correction of Work: The Building Official may require the removal or replacement of any work or equipment which has not been performed, constructed or installed in compliance with this code.
- E. Foundation Inspections; Spot Survey: A spot survey certified by an Illinois Registered Land Surveyor showing the exact location on the lot and full dimensions of a structure's foundation and the top of foundation elevations shall be required for all new primary structures upon completion of the structure's foundation.

5-2-5: SECURITY DEPOSIT REQUIREMENTS:

- A. Deposit Required: Prior to the issuance of a building permit, where the construction done thereunder will require the use of heavy construction equipment, including, but not limited to, trucks, sod trailers, concrete trucks, bulldozers, backhoes, ditch diggers, etc., a security deposit in the form of a cash deposit or letter of credit, in an amount determined by the Village Engineer based upon the following criteria, shall be deposited with the Village Clerk by the authorized agent whose signature appears on the application for the building permit.

The deposit will be based on the following criteria:

- Number and type of water connections
- Number and type of sanitary sewer connections
- Number and type of storm sewer connections
- Lineal feet of curb removed and replaced
- Number of roadway cuts
- Acres of property to be protected by erosion and sediment control

The amount of the deposit will be calculated using the security deposit worksheet prepared by the Public Works Department. The worksheet shall be reviewed annually at the beginning of each fiscal year by the Village Engineer.(Amd. Ord. 06-2032-24, eff. 05/08/06)

- B. Purpose of Deposit:
 - 1. Such security deposit shall be for the purpose of insuring against damage to property for the Village by the general contractor or any subcontractor or employee that he may engage to perform work under the building permit. Damage to Village property shall include, but is not limited to, accumulation of dirt, gravel, sand, etc. on street pavement, damage to street surface (including, but not limited to, damage resulting from construction equipment and vehicles), curbs, water mains, fire

hydrants, sewer lines, traffic signs, water courses, etc.

2. If and when such damage has occurred in the opinion of the Village Engineer, the authorized agent shall be notified in writing and shall be requested to make the necessary repairs.
 3. If such repair has not been completed within the time period spelled out in the written notice, the Village shall make such repairs, and shall assess the cost of repairs against the owner of the property and the Village may offset all or part of the security deposit against said cost. The contractor, developer, and owner of the property shall be jointly and severally liable for any excess payments. Such payments may be deducted from the security deposit.
- C. Refunding of Deposit: Upon expiration of one year after completion of all work under each separate building permit and the issuance of a certificate of occupancy therefor, the security deposit, either the full amount or the amount remaining, shall be released to the authorized agent; provided, that any and all damage has been corrected. (Ord. 92-1235-13)