

**ORDINANCE NO. 02-07**

**PUBLIC SAFETY ORDINANCE OF THE VILLAGE OF WINNEBAGO,  
ILLINOIS, WITH ADOPTION OF NATIONAL FIRE PROTECTION  
ASSOCIATION, INC., CODE**

**WHEREAS**, the President and Board of Trustees of the Village of Winnebago, Winnebago County, Illinois, pursuant to statute have the authority to promulgate rules and regulations to promote the public health and safety of Village residents, and pursuant to the provisions of Division 30 of Article 11 of the Illinois Municipal Code (Chapter 65, Section 5/11-30-1 et seq. of the Illinois Compiled Statutes 2000), have the power and authority to prescribe the strength and manner of constructing all buildings, structures, and their accessories, including life and fire safety requirements; and

**WHEREAS**, Ordinance No. 99-9, (reassigned Ordinance No. 99-11 per correction ordinance No. 90-05, as "99-9" had inadvertently been assigned by Village Clerk to two different ordinances), passed on December 13, 1999, published on December 14, 1999, and recorded on May 31, 2000, adopted the BOCA National Building Code 1999, National Electrical Code 1999, and Counsel of American Building Officials (CABO) International One and Two Family Dwelling Code 1998, with each and all of the regulations, provisions, conditions, and terms of said codes adopted and made a part of the aforesaid ordinance as if fully set out in the ordinance, with the additions, insertions, deliberations, and changes as set forth in said codes; and

**WHEREAS**, based on the concern for public safety and upon the recommendation of the Win-Bur-Sew Fire Protection District, the district servicing the Village, the Village authorities believe in order to preserve and promote the public safety of the residents of the Village of Winnebago an approved automatic fire sprinkler system should be installed in all new buildings and structures, residential or otherwise, in the Village, as well as in any existing building structure, residential or otherwise, when the overall square footage of the building and/or structure is increased by one hundred percent (100%), or any combination of additions that occur within a five year period that cumulatively

equal an increase of one hundred percent (100%) or more in the overall square footage of the building or structure regardless of the materials used in construction and/or use group classification (as defined in the BOCA National Building Code 1999, as amended), except for single-family residential structures, open parking structures, telecommunication equipment buildings, and all buildings used exclusively for the transmission and/or distribution of electrical power; and

**WHEREAS**, Section 5/1-3-2 of Chapter 65 of the Illinois Compiled Statutes provides that a municipality may adopt by reference, as criteria for the issuance, of construction, reconstruction, alteration, or installation permits, all or part of the provisions of regulations without setting forth those provisions in full if at least one copy of those regulations is filed in the office of the clerk of the municipality and is kept available for public use, inspection, and examination, with the qualification that such filing requirement is not deemed to be complied with unless the required copy of the regulations or copies of the public record are filed with the clerk of the municipality for a period of 30 days before the adoption of the ordinance that incorporates the regulations or public record by reference; and

**WHEREAS**, regulations or a public record of a jurisdiction other than the State of Illinois may not be adopted by reference covering any subject matter for which standards are available in any public record of the State of Illinois; and

**WHEREAS**, there are no comparable standards available in the public records of the State of Illinois for the matters for which adoption of the respective national codes is sought; and

**WHEREAS**, there was filed with the Clerk of the Village of Winnebago, Illinois, at least 30 days prior to the adoption of the instant ordinance, a copy of National Fire Protection Association, Inc., Code (NFPA) 1999 and subsections NFPA 13, NFPA 13-D and NFPA 13-R, as amended; and

**WHEREAS**, the Village of Winnebago, Illinois, believes it to be in the best interest of the citizenry of the Village of Winnebago, Illinois to adopt the National Fire Protection Association, Inc., Code (NFPA) 1999 and subsections NFPA 13, NFPA 13-D and NFPA 13-R, as further amended;

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Winnebago as follows:

**SECTION I**

**ADOPTION OF NATIONAL FIRE PROTECTION ASSOCIATION, INC., CODE**

The provisions of the National Fire Protection Association, Inc., Code (NFPA) 1999, and subsections NFPA 13, NFPA 13-D and NFPA 13-R, as hereafter amended, shall be and hereby are adopted as the Fire Protection Code of the Village of Winnebago, in the State of Illinois. Each and all of the regulations, provisions, conditions, appendices, and terms of said codes are hereby referred to, adopted, and made a part hereof as if fully set out in the instant ordinance, with the additions, insertions, deletions, and changes as set forth in said codes.

**SECTION II**

**FIRE PROTECTION SPRINKLER SYSTEM**

All new dwellings or structures, residential or otherwise, within the Village of Winnebago, Illinois, as well as any existing building or structure, residential or otherwise, when the overall square footage of the building and/or structure is increased by one hundred percent (100%), or any combination of additions that occur within a five year period that cumulatively equal an increase of one hundred percent (100%) or more in the overall square footage of the building, shall have installed a NFPA 13, NFPA 13-R, and/or NFPA 13-D approved fire protection sprinkler system throughout the structure, as such regulation applies to the given type of building or structure. The system shall be installed meeting the requirements of the NFPA 13, NFPA 13-R, and/or NFPA 13-D standard as amended, as applicable to the given type of building or structure, with the following modifications and/or additional requirements:

- a) All single-family residential structures, open parking structures, telecommunications equipment buildings, and buildings used exclusively for transmission and distribution of electric power shall be exempt from the provisions of this fire protection sprinkler system requirement, except that

such new single-family residential structures or any existing single-family residential structure when the overall square footage of such structure is increased by one hundred percent (100%), or any combination of additions that occur within a five year period that cumulatively equal an increase of one hundred percent (100%), or more in the overall square footage of the building or structure regardless of the materials used in construction and/or use group classification (as defined in the BOCA National Building Code 1999, as amended), shall be subject to the requirements listed in paragraph (h) and (j) below. Further, if any single-family residential owner or occupant elects to have a fire sprinkler system, such owner or occupant must comply with paragraph (n) below.

b) The fire protection sprinkler system requirement shall not eliminate the requirement for installation of smoke detectors, and all such smoke detectors shall be installed in accordance with the requirements of NFPA 72.

c) A licensed plumber must install the fire sprinkler system with a backflow detection device before the fire sprinkler system may be connected to the water service. Also, a licensed plumber in making the installation must provide a T-connection for the sprinkler system before connecting the meter so that the occupant is not charged for the water used to test the fire sprinkler system or any water used in extinguishing a fire.

d) Persons installing approved automatic fire protection systems shall obtain a permit issued by the Village's Building Official.

e) An internal flow alarm must be installed as part of the fire protection system, as well as a weatherproof audio-visual alarm located on the outside of the structure, such that the same may be readily seen when passing the front of the structure, and such that both are activated when the sprinkler system activates.

f) The fire protection sprinkler system shall have a reduced pressure zone backflow preventer (RPZ) "Febco 825 or equivalent", or a State of Illinois plumbing code double detector check valve.

g) Plans and specifications for all new approved automatic fire protections systems, and modifications to existing approved automatic fire protection systems, shall be submitted to the Village's Building Official for review prior to any installation or modification. All approved automatic fire protection system plans will be submitted by the Village to a private fire protection consultant for review when needed as determined by the Village Building Official. The permit applicant shall be responsible for all fees associated with all plan reviews.

h) The street address of a structure must be visible from the street on which the building or structure fronts, with the numbers used for commercial buildings being no less than six (6) inches in height with standard lettering.

i) All buildings with occupied floors located three stories or more above grade shall be provided with standpipes installed in accordance with the building code listed in Chapter 44 of the BOCA Basic National Fire Prevention Code/1999 Edition, as amended. The standpipes shall have an approved 2 ½ inch fire department hose connection at each floor level in each stairwell.

j) All structures that contain wood truss construction shall have a truss construction emblem affixed to the front of the structure. The truss construction emblem shall have a bright reflective color or may be made of contrasting reflective material. The following letters shall be printed on the emblem in a conspicuous size and color:

"F" to signify a floor with wood truss construction;

"R" to signify a roof with wood truss construction;

"F/R" to signify a floor and roof with wood truss construction.

The emblem shall be a four by six (4"x 6") inch rectangle with a yellow isosceles triangle, permanently affixed to the left of the main entrance door or front of the building at a height of eight (8) feet above the ground and shall be installed and maintained by the building owner.

k) When a fire suppression or detection system is present in a structure, except one or two family residential dwellings, an external key box shall be installed in a location approved by the Fire

Marshal or Fire Inspector. The key box shall be an approved type and contain the following keys: entry, storeroom, boiler, electrical, fire alarm, and all other mechanical rooms.

l) All fire pumps referenced as required by the building code listed in Chapter 44 of the BOCA Basic National Fire Prevention Code/1999 Edition, as amended, shall be installed in accordance with the building code and NFPA 20 listed in Chapter 44 of the BOCA Basic National Fire Prevention Code/1999 Edition, as amended. All fire pumps shall stand alone in a one (1) hour fire rated room. All fire pumps shall also have an outside test header, with the location of the same to be approved by the fire department servicing the Village.

m) Designated fire lanes shall be maintained free of obstructions and vehicles and shall be identified in an approved manner. A minimum of a fourteen (14) foot clearance shall be maintained above all fire lanes. Snow shall be removed from a designated fire lane within eighteen (18) hours when it has reached a depth of four (4) inches or more.

n) The use of antifreeze or other chemicals is prohibited in any sprinkler system unless the use of antifreeze would be compatible with a particular type of sprinkler system as recommended by the manufacturer, and installed with a RPZ device.

o) Except for one and two family residential structures, all buildings and structures shall have a fire department connection for the sprinkler system located outside of the building or structure, or other location approved by the fire department servicing the Village.

p) No domestic water service meter to a building or structure which is subject to the fire prevention sprinkler provisions of this ordinance shall be connected until the water service for the sprinkler system is hooked up.

### **SECTION III**

#### **REGISTRATION OF COMMERCIAL AND INDUSTRIAL BUSINESSES**

Each existing and new duly authorized retail, service, commercial, industrial, or other business operating within the Village of Winnebago, whether operating in home or elsewhere shall, on an annual

basis, register with the Village of Winnebago. The initial registration shall take place on or before January 31, 2003, with such registration renewed annually by the 31<sup>st</sup> of January of every year thereafter that said business continues to operate in the Village of Winnebago. Such registration shall be at no cost to the business owner and with the registration form to be completed available from the Village Office. Completion of such form is mandatory and no business shall be allowed to continue to operate if such registration form is not completed according to the timetable referenced above. A Certificate of Registration shall be issued to the respective owner on an annual basis upon submission of an acceptable registration form, and the Certificate of Registration shall be prominently displayed at the respective business. The intent of such registration is to facilitate contact by the appropriate fire, police, or other Village personnel in the event of an emergency.

#### **SECTION IV**

#### **CHANGE IN USE OR OCCUPANCY AND/OR OWNERSHIP OF COMMERCIAL OR INDUSTRIAL BUILDINGS**

Whenever there is a change in use, occupancy, and/or ownership of any commercial or industrial building in the Village of Winnebago, the owner of such building shall within seven (7) days of such change of use, occupancy, or ownership notify the Village in writing via completion of a form to be supplied upon request by the Village. The Village shall then forward a copy of the completed form to the Win-Bur-Sew Fire Protection District. The information on such form would include, but not necessarily be limited to: owner and lessee(s) names, addresses, twenty-four (24) hour contact telephone numbers, nature of the business conducted, hours of operation, and any other information necessary so that the appropriate fire, police, or other Village personnel could make contact in the event of an emergency.

#### **SECTION V**

#### **PENALTY FOR VIOLATIONS**

Any person, owner, agent, or representative who shall violate any of the provisions of the Code hereby adopted, or fails to comply therewith, or who shall violate or fail to comply with any order made

thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, shall severally for each and every such violation and noncompliance, respectively, be punishable by a fine of not less than fifty and 00/100 dollars (\$50.00) nor more than five hundred and 00/100 dollars (\$500.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and a separate offense shall be deemed committed for each day that prohibited conditions are maintained. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## **SECTION VI**

### **REPEAL OF ANY CONFLICTING ORDINANCES OR PARTS THEREOF**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to eliminate any conflict with the provisions of this ordinance.

## **SECTION VII**

### **EFFECT OF INVALIDITY OF PORTION OF ORDINANCE**

If any section(s), clause(s), or provision(s) of this ordinance, or any application thereof to any person, property, or circumstances shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceable provision or application, shall not affect the other provisions of this ordinance, and to this end the provisions of this ordinance are declared to be severable.

## **SECTION VIII**

### **HEADINGS**

The headings contained in the respective sections of the ordinance are intended for convenience in reference only and shall in no way affect the substance of the ordinance.



**SECTION IX**

**EFFECTIVE DATE**

This ordinance shall be in full force and effect beginning January 1, 2003, after its passage, approval, and publication in pamphlet form of three copies of said ordinance at the Village of Winnebago, Illinois office.

Ordinance

**IN WITNESS WHEREOF**, the parties of this ~~Agreement~~ have caused it to be executed as of this 11<sup>th</sup> day of November, 2002.

Village of Winnebago, a Municipal Corporation

Trustees:

/S/ Vivian Gaines AYE

/S/ Stephen L. Butler AYE

/S/ Gerald L. Heisler AYE

/S/ Mary Beth Elsen AYE

/S/ Randy D. Cook AYE

/S/ Dennis S. Owens AYE

/S/ David S. Hassel  
David S. Hassel, Village President

Attest:

/S/ Sally Jo Huggins  
Village Clerk

**PREPARED BY:**

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