

**Winnetka Village Council  
SPECIAL MEETING**

**Village Hall**

510 Green Bay Road  
Tuesday, July 10, 2012  
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email [contactcouncil@winnetka.org](mailto:contactcouncil@winnetka.org), and your email will be relayed to the Council. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

**AGENDAS**

- 1) Call to Order
- 2) Pledge of Allegiance to the Flag
- 3) Quorum
  - a) July 17, 2012, Regular Meeting
  - b) August 7, 2012, Regular Meeting
  - c) August 14, 2012 Study Session **Cancelled**
- 4) Approval of Agenda
- 5) Consent Agenda
  - a) Village Council Minutes:
    - i) May 15, 2012, Regular Meeting Minutes .....2
    - ii) June 5, 2012, Regular Meeting Minutes .....11
    - iii) June 19, 2012, Regular Meeting Minutes .....17
  - b) Warrant Lists Nos. 1755 and 1756 .....21
  - c) Resolution R-29-2012: Collective Bargaining Agreement with IAFF – Adoption.....22
- 6) Stormwater Update: None – Next update July 17, 2012
- 7) Ordinances and Resolutions
- 8) Public Comment
- 9) Old Business:
  - a) Ordinance MC-4-2012: Updated Building Codes – Amendment and Policy Direction .....86
- 9) New Business: None.
- 10) Reports
- 11) Adjournment

**NOTICE**

All agenda materials are available at [villageofwinnetka.org](http://villageofwinnetka.org) (Council > Current Agenda), the Reference Desk at the Winnetka Library, or in the Manager’s Office at Village Hall (2<sup>nd</sup> floor).

Videos of the Village Council meetings are televised on Channel 10 every night at 7 PM and on Channel 18 M-F-Su at 7AM or 7 PM. Videos of the meeting may also be viewed on the Internet via a link on the Village’s web site: [villageofwinnetka.org](http://villageofwinnetka.org)

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Kathie Scanlan, at 510 Green Bay Road, Winnetka, Illinois 60093, 847.716.3540; T.D.D. 847.501.6041.

**MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
May 15, 2012**

(Approved: )

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Council Chambers at Village Hall on Tuesday, May 15, 2012, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:30 p.m. Present: Trustees Richard Kates, Patrick Corrigan, Jack Buck, Stuart McCrary and Jennifer Spinney. Absent: Trustee Braun. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Director of Community Development Michael D'Onofrio, Director of Public Works Steve Saunders, and approximately 9 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) June 5, 2012, Regular Meeting. All of the Council members present indicated that they expected to attend.
  - b) June 8, 2012, Study Session. All of the Council members present indicated that they expected to attend.
  - c) June 19, 2012, Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Spinney, seconded by Trustee Buck, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees McCrary, Buck, Corrigan, Spinney, and Kates. Nays: None. Absent: Trustee Braun.
- 5) Consent Agenda
  - a) Village Council Minutes. None
  - b) Warrant Lists Nos. 1749 and 1750. Approving Warrant List No. 1749 in the amount of \$973,747.94, and Warrant List No. 1750 in the amount of \$538,290.06.
  - c) 2012 Street Rehabilitation Program Bids. Awards a contract to A Lamp Concrete Contractors for the 2012 Street Rehabilitation Program, in the amount of \$859,360.10.
  - d) Municipal Partnering Bid: Trenchless Lining of Sanitary Sewers. Awards Winnetka's portion of trenchless lining of existing sanitary sewers to Michels Corporation in the total amount of \$166,237.00.

Trustee Spinney, seconded by Trustee McCrary, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees McCrary, Buck, Corrigan, Spinney and Kates. Nays: None. Absent: Braun.

6) Stormwater Update.

- a) Public Works Director Steven Saunders reported that he and the Village Manager attended a joint meeting with the Illinois DNR, Illinois EPA and US Army Corps of Engineers to review and determine whether any of five preliminary designs for the proposed stormwater tunnel project would be objectionable to the regulatory agencies. The feedback received was that there were no serious concerns about the concepts presented, although the Army Corp of Engineers least favored the submerged outfall because there would be more disturbances to the lake and more permits would be required. Mr. Saunders noted that the next steps would be to review cost estimates, discuss aesthetics and discharge designs, meet with neighbors and also meet with the Wildlife Service to make sure no species of wildlife will be affected.

Mr. Saunders also met with a local tunneling contractor of a national firm, Kenny Construction, and reviewed cost estimates done by Christopher Burke Assoc. and hoped to have information on that within a week or two for the Council. Updates on ongoing projects include contracts awarded by the Council for the Spruce Street outfall and the Tower Road relief sewer; Burke Associates continues to work on the survey and design phases for the Council to review publicly and with affected neighbors in June or July; and, the monitoring of sanitary sewers has been in place for 4 weeks. Mr. Saunders hoped to have a report back soon.

In response to a question from Trustee McCrary about whether he had received unsolicited comments about the design of the tunnel project, Mr. Saunders said that he has had conversations with homeowners along the lakefront, but not about the technical aspects.

Trustee McCrary also asked if zebra mussels will be a problem and Mr. Saunders answered that they will not because the size of the pipe will be too large.

- b) Approval of Project Manager Contract. Mr. Saunders presented the Council with the proposal of the AT Group as well as the qualifications and credentials of James Johnson for the Council's consideration as project manager for the stormwater tunnel project.

Trustee Kates questioned Mr. Johnson's credentials and experience and stated that Winnetka's project is dissimilar to projects Mr. Johnson has worked on for other communities.

Mr. Saunders explained the method and criteria that were used to determine the most effective and capable candidate who would also be a dedicated representative to serve Winnetka during this project.

Village Manager Bahan added that staff had looked extensively at the skill set in the market place, searching for someone with engineering and project management skills, and found that in Jim Johnson. Staff also considered consulting companies and persons who had municipal careers and may now be retired but still working.

In response to a question from Trustee Buck about hourly payment vs. payment by project, Mr. Saunders explained that since not enough is known about how the project will move forward, the number of hours required was estimated for now, but as the project begins to firm up, the method of contracting can change.

Mr. Johnson addressed the Trustees' questions about his previous experience, explaining his work on large diameter transmission mains with Highland Park and Lake Forest, a project of approximately \$25 million that involved extensive discussions with the Illinois EPA, the Army Corps of Engineers and the US EPA, including some discharges to Lake Michigan. Mr. Johnson did not recall dealing with Fish and Wildlife, but has dealt with all the other agencies. As project manager of that project, he worked as an extension of the staff and managed all aspects of the project. He added that the projects listed in his resume are representative of the work he has done, that he has also worked on other projects, and although he specializes in managing capital projects, he also has an architectural background which is helpful for the technical aspects of the project.

President Tucker asked for questions or comments from the audience.

Jim Gordon, 281 White Oak Lane, expressed his opinion that: 1) a 90-inch wide tunnel under the Village will be controversial and may encounter litigation; 2) experts who live in the neighborhood have not been consulted; 3) he would like the Village to invest in a firm with an institutional background that knows every agency that would be involved; and, 4) it was important to find out what an institutional firm that has done this type of work before would cost.

Village Manager Bahan explained that the Village did not issue a formal RFP, but instead the Council discussed using engineering firms that are active in our area and scaled to the size of our area. He added that Christopher Burke will be bringing concepts to the Council and noted that a larger project management effort may be needed eventually, but not for where the project is now.

Trustee Spinney commented that she is familiar with the people Mr. Johnson has worked with, and does not feel it was her job to make calls to check on him because it has already been done by the staff. She stated she wants to move forward on the project and that Mr. Saunders' work has been on the right path.

Trustee Braun arrived at 8:10 p.m.

Trustee Kates expressed dissatisfaction with the list of representative clients, saying it didn't tell him that Mr. Johnson is qualified for this project and he was disappointed in the list of projects Mr. Johnson has worked on. He felt that Mr. Johnson's experience was not sufficient and would like a consultant with what he described as demonstrable experience with a stormwater management project like what Winnetka is proposing. He said he is not in favor of the appointment and wants to continue the search for a project manager.

Trustee Corrigan spoke in favor of the appointment, reminded the Trustees that the Village has the expertise of Christopher Burke Associates as well, and suggested that it doesn't matter that the project manager doesn't have giant tunnel

experience, but rather that he be able to assist Mr. Saunders and keep the project moving.

Trustee Buck agreed with Trustee Corrigan and added that the project manager rides herd on the contractors, but the Council will oversee all other aspects of the project. He was interested in speaking with Mr. Johnson about the means and methods, but was in favor of the appointment.

Trustee McCrary commented that the intent of hiring a project manager was to get someone with specialized knowledge that would more or less act as a virtual employee and that, in his opinion, the Trustees should give the nod to Mr. Saunders and the Village Manager because it is a personnel issue.

Trustee Braun asked Mr. Johnson about his experience with project management, the size of the projects he has worked on and asked what tools he would use to bring the multitude of disciplines together.

Mr. Johnson further explained the work he had done in Lake Forest and work with the City of Chicago that involved multiple agencies and described a project in Ravinia that was underground. He said that his company would manage the project to allow Mr. Saunders to manage his department and other capital projects. He also described for Trustee Braun how the master schedule of the contractors working on each aspect of the project is managed.

President Tucker called for a motion and Trustee Spinney moved to authorize the Village Manager to enter into a contract with AT Group for stormwater project management services at a rate not to exceed \$95 per hour, for an annual maximum of 1,300 hours for calendar year 2012, in accordance with the AT Group proposal dated May 10, 2012. Trustee Corrigan seconded the motion and by roll call vote, the motion passed. Ayes: Trustees Spinney, Corrigan, Buck, McCrary. Nays: Trustees Braun and Kates. Absent: None.

## 7) Ordinances and Resolutions.

### a) M-7-2012: 552-554 Lincoln Special Use Permit – Introduction/Adoption.

Community Development Director Michael D’Onofrio summarized this special use permit request to allow Definition Fitness to operate a health club facility in a space at the rear of 552-554 Lincoln Avenue which is located in the overlay district. The business does one-on-one training and its hours of operation are from 6 am to 10 pm, with peak hours 6 a.m. to 10 a.m. and then again from mid-afternoon to closing and that the owner estimates that there would be no more than 6 users at a time at this facility. He added that the applicant has asked that the first reading be waived so that he can move from the front of the building sooner, where the use is not permitted.

In response to a question from Trustee Kates, Mr. D’Onofrio stated that the current owner was a former employee of the prior owners who have no connection with the new business.

Attorney Janega explained the normal two-step process for ordinances, and explained that the Code allows a waiver of the first reading or introduction if all trustees present agree. The reason for waiving first reading in this instance is that

it would allow the curing of a current violation at an earlier stage. She said the Council's choices are to move to introduce the ordinance and then adopt it at the Council's next meeting or to waive introduction and proceed directly to adoption at this meeting.

Trustee Corrigan moved to waive introduction, seconded by Trustee Buck. By roll call vote, the motion passed unanimously. Ayes: Trustees Braun, McCrary, Buck, Corrigan, Spinney, Kates. Nays: None. Absent: None.

Trustee Braun moved to adopt Ordinance M-7-2012 approving a special use permit to allow Definition Fitness to operate a health club facility at 552-554 Lincoln Avenue. Trustee Kates seconded the motion and by roll call vote, the motion passed. Ayes: Trustees Braun, McCrary, Buck, Corrigan, Spinney, Kates. Nays: None. Absent: None.

b) M-8-2012: 1153 Asbury Landmark Designation – Introduction.

Louise Holland, Chair of the Landmark Preservation Commission, and a former Village Trustee and Village President, presented the landmark nomination for 1153 Asbury, which was built in 1928 by architect Howard Bolland, and is a Cotswold subtype of a Tudor revival style home which is quite unique.

Village Attorney Janega described the landmark designation process as entirely voluntary, explaining that individual owners determine whether they want to seek landmark designation and the LPC then considers and evaluates the property. Once a landmark is designated, if the owner chooses to make any changes to the exterior, they come back to the Commission for an advisory recommendation as to a certificate of appropriateness. Ms. Janega reported that there had been questions today about the property tax assessment freeze for landmarked homes and supplied information to the Council from the Illinois Historic Preservation Agency's website that explained the property tax assessment freeze. She stated that the Village's designation of a landmark does not automatically put the freeze in place, that application to the State must be made by the property owner, who must spend 25% of the value of the property on approved improvements, and the freeze applies only to owner-occupied single family homes.

In response to questions from the Trustees, Mrs. Holland said that: 1) the designation as a landmark by the Village does not automatically freeze assessments; 2) a property owner must first receive landmark designation by the Village before applying to the State for an assessment freeze; 3) the Village does not require a certain dollar amount for rehabilitation of a property; 4) Village landmark designation is based on the historic or architectural value of a home which contributes to the neighborhood; 5) granting of landmark preservation by the Village does not provide any financial benefit.

Trustee Buck was of the opinion that landmark designation raised the taxes of other Winnetka residents and that property owners would not be able to apply to the State for the tax assessment freeze without the Village's designation as a landmark.

Discussion ensued about the effects of a tax assessment freeze on taxpayers as a whole, with Trustees Buck and Corrigan opposing landmark designation as a means to apply for the tax assessment freeze through the State.

President Tucker commented that in previous discussions about landmark designations, former Village trustee Sandy Berger, who is an actuary, determined that the cost to Village taxpayers was about \$1 per household per year at the time for the residents. She thought residents would be willing to do this in order to preserve homes.

Trustee McCrary commented that of the entire property tax savings from the freeze, the Village gets 13% and that if the State legislature voted for landmark designation, it was for the greater good.

Trustee Spinney commented that a major investment must be made by the property owner before applying for the freeze, which is a difficult process through the State and it is an investment that doesn't have enough of a return.

President Tucker called for a motion and Trustee McCrary moved to introduce Ordinance M-8-2012 which would designate 1153 Asbury as a landmark. Trustee Braun seconded the motion and by voice vote, the motion passed.

- c) Ordinance M-9-2012: 715-725 Elm Landmark Designation – Introduction.  
Mrs. Holland described this commercial building that was constructed and designed by Edwin Clark and to which the owner has made many upgrades, such as an elevator and compliance with ADA requirements.
- d) Ordinance M-10-2012: 503-507 Chestnut Landmark Designation – Introduction.  
Mrs. Holland described this commercial building as a 1928 Tudor revival to which the owner has made improvements in the commercial spaces and remodeled apartments. She noted that an illustration of this building is used in the Landmark Preservation Commission's letterhead.
- e) Ordinance M-11-2012: 545-561 Lindoln/743-749 Elm Landmark Designation – Introduction.  
Mrs. Holland described this commercial building as the Boal Block Building built in 1913 which gave rise to the Tudor architecture in Winnetka. She noted that the Edward Bennett plan in 1921 used this building as an example that should be copied throughout the Village in the commercial areas.
- f) Ordinance M-12-2012: 874 Green Bay Landmark Designation – Introduction.  
Mrs. Holland stated that this building had been totally remodeled, includes an elevator and echoes the Tudor revival that Edward Bennett suggested be the hallmark of Winnetka's commercial properties.

Mrs. Holland noted that all four buildings are under common ownership and that the LPC was happy to see the owner come forward for landmark status. She noted that commercial buildings cannot have an assessment freeze, but can opt for federal preservation tax credits, which have nothing to do with local taxes. She said the Commission hopes that other commercial properties will apply for landmark status as well.

Trustee Buck inquired about eligibility for County Class L tax status. Mrs. Holland answered questions from Trustee Buck and the other Trustees by stating that there is no Illinois tax break for commercial buildings, that property owners will be in attendance at adoption of the ordinances, and that the property owner does not go through planning to decide on the upkeep of the building and in fact can demolish it after receiving landmark designation. She also said that owners do not tell the Commission why they are seeking landmark designation.

Trustee Kates commented that if a building is designated as a landmark, it assures that the building will be kept in good repair and enhances the commercial district.

President Tucker asked for comments from the audience.

Jim Gordon, 281 White Oak Lane, asked for clarification as to whether a home or building can be torn down once it is designated as a landmark. He suggested that the Council table their decision to get answers first unless it is their intent to freeze the look of the buildings for the future.

Attorney Janega said that there are no binding regulations for Village landmarks unless they have certified landmark status, which requires owner application to the LPC and final approval by the Council. If certification is granted, it is recorded with the County and after that a certificate of appropriateness is required for the property.

Trustee Kates thought everyone benefitted if a homeowner gets a tax benefit and is able to keep up their home.

Trustee Braun asked that an answer to the commercial tax question be obtained so that the Council can move forward.

Trustee McCrary commented that many people in the Village would consider this a good thing and that if a property owner volunteers to limit their ability to improve their homes against the tax advantages, many people would be in favor of that.

President Tucker suggested that the Council could postpone introduction, but that if the ordinances are introduced, the owners will be in attendance at adoption.

Trustee Kates also suggested introduction of the ordinance and commented that if questions are raised later, they can be clarified between now and the next meeting.

Trustee Braun moved to introduce M-9-2012, seconded by Trustee McCrary. By voice vote, the motion passed unanimously.

Trustee Braun moved to introduce M-10-2012, seconded by Trustee McCrary. By voice vote, the motion passed unanimously.

Trustee Braun moved to introduce M-11-2012, seconded by Trustee McCrary. By voice vote, the motion passed unanimously.

Trustee Spinney moved to introduce M-12-2012, seconded by Trustee McCrary. By voice vote, the motion passed unanimously.

8) Public Comment and Questions.

There was no comment from the audience.

Trustee Braun asked Community Development Director D'Onofrio to confirm that the delay in opening Once Upon a Bagel has nothing to do with the Village, but has to do with the contractor. Mr. D'Onofrio confirmed that the business has had their permits for several weeks and the Village has been waiting for them to proceed.

Trustee Corrigan asked if specific performance is included in the contract with A Lamp, the company who is doing road projects. Village Manager Bahan will follow up with the Public Works Director.

9) Old Business. None.

10) New Business. None

11) Reports

- a) Trustees. Trustee Kates attended the BCDC meeting where suggestions were taken for what they want to do to formulate a plan, accelerated meeting schedule, and quorum for Monday meetings. He suggested that it would be helpful for the Village Attorney to visit with the committee to clarify quorums, etc.

Trustee Spinney reported attending the Chamber of Commerce meeting on May 8th, where she found the tone to be very positive and the enthusiasm of Chamber Director Terri Dason infectious.

Trustee McCrary attended the Fire Pension Board meeting and reported that money is well allocated, and that each of the managers seem to do better than their benchmarks and matched the actuarial assumptions for the 4th quarter.

- b) Village President. President Tucker announced (1) the Town Meeting is tomorrow (May 16) at 7:30 pm at Washburn School; (2) the bicycle rodeo is also tomorrow 3:30 pm at the Police Department; (3) there is a ribbon cutting at Baird & Warner on Thursday May 17<sup>th</sup>; and, (4) the Community House gala is May 19th. She added that signs are up for the initiative by Winnetka/Northfield Chamber & Park District for concerts in the park, the farmers market, and also two movies in the park. The park schedule will also be on the website.
- c) Manager. Manager Bahan reported that a series of bills had been brought out by Speaker Madigan that would reduce the personal property replacement tax revenues for municipalities. It would be a serious impact on our region that could divert \$11 - 15 million dollars to the teachers' retirement system. He suggested keeping the pressure on to maintain local government revenues and pursue meaningful pension reform to get state pensions under control. He reported there are a number of efforts underway in Springfield for assistance and asked that people make their voices heard, including a public relations effort be made to coalesce the message.
- d) Attorney. No report.

- 12) Appointments. President Tucker announced the appointment of Patrick O'Neil to the Business Community Development Commission for a full term, effective immediately. Trustee Kates, seconded by Trustee McCrary, moved to approve the appointment. By voice vote, the motion passed unanimously.
- 13) Executive Session. None.
- 14) Adjournment. Trustee Braun, seconded by Trustee Spinney, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Braun, McCrary, Buck, Corrigan, Spinney and Kates. Nays: None. Absent: None. The meeting adjourned at 10:08 p.m.

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Deputy Clerk

**MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
June 5, 2012**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Council Chambers at Village Hall on Tuesday, June 5, 2012, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:31 p.m. Present: Trustees Arthur Braun, Jack Buck, Richard Kates, Stuart McCrary and Jennifer Spinney. Absent: Trustee Patrick Corrigan, who arrived at 8:48 p.m. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Director of Public Works Steve Saunders, Community Development Director Mike D'Onofrio, and approximately 50 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) June 12, 2012, Special Executive Session. All of the Council members present indicated that they expected to attend.
  - b) June 12, 2012, Special Meeting & Study Session. All of the Council members present indicated that they expected to attend.
  - c) June 19, 2012, Regular Meeting. All of the Council members present, with the exception of Trustee Braun, indicated that they expected to attend.
  - d) July 10, 2012, Special Meeting and Study Session. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Braun, seconded by Trustee Spinney, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees Braun, Buck, Kates, McCrary and Spinney. Nays: None. Absent: Trustee Corrigan.
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) May 1, 2012, Regular Council Meeting.
  - b) Warrant Lists Nos. 1751 and 1752. Approving Warrant List No. 1751 in the amount of \$1,026,093.07, and Warrant List No. 1752 in the amount of \$731,008.81.
  - c) Resolution R-26-2012: Prevailing Wage – Adoption. A Resolution establishing prevailing wage rates for the Village of Winnetka in accordance with amounts set by the Illinois Department of Labor as of June 2012.
  - d) Emergency Repair Program Funding: Rehabilitation of Hibbard Road. Authorizing the execution of an agreement for the rehabilitation of Hibbard Road from Tower Road to Pine Street; and Winnetka Avenue from Church Road to High Street, and from Wilson Street to Sheridan Road, using \$730,000 of the State's Emergency Repair Program funding, and up to \$100,000 of the Village's Corporate Funds.

Trustee Braun, seconded by Trustee Spinney, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Kates, McCrary and Spinney. Nays: None. Absent: Trustee Corrigan.

6) Stormwater Update.

7) Ordinances and Resolutions.

a) Landmark Preservation Designation and Property Taxes.

i) Ordinance M-8-2012: 1153 Asbury Landmark Designation – Adoption. Attorney Janega reviewed agenda materials addressing questions raised at the last Council meeting, including the history of the Village’s Landmark Ordinance, and explained that the property tax freeze provisions only apply if an owner-occupied home applies for it after spending 25% of the assessed value of the home on improvements that are approved by the Illinois Historic Preservation Agency.

There was a lengthy discussion of the property tax freeze associated with the State landmark program. Some Trustees said that in their view, Winnetka taxpayers were subsidizing the improvements to the designated homes, while other Trustees maintained that the higher assessed value of the homes once the freeze was over resulted in a good outcome for the Village as a whole.

Louise Holland, Chair of the Landmark Preservation Commission, clarified that the property tax freeze is owner-specific, and that it does not transfer to a new owner if the property is sold during the freeze period.

Trustee McCrary said his calculations indicate that the cost to each Winnetka taxpayer appears to be about \$5 per year.

Trustee Buck pointed out that the tax freeze affects the entire property tax bill, not just the Village’s portion.

After more discussion about the impact of home improvements on fair market value and property tax assessments, the Council asked the applicants, Eliot and Loretta Spies, why they wanted their home to be a designated landmark.

Mrs. Spies said they were interested in renovating an older home to keep the general charm of the Village and preserve the architecture. She added that the couple has no plans to apply for the State’s tax freeze program, as they don’t have the means to spend 25% of the assessed value of the home on improvements to it.

Trustee Spinney, seconded by Trustee McCrary, moved to adopt Ordinance M-8-2012. By roll call vote, the motion carried. Ayes: Trustees Braun, McCrary, and Spinney. Nays: Trustee Buck. Absent: Trustee Corrigan. Abstain: Trustee Kates.

ii) Ordinance M-9-2012: 715-725 Elm Landmark Designation – Adoption.

Attorney Janega stated that the next four landmark designation applications are the first commercial requests ever to come before the Council. She explained that the Class L program is administered by Cook County and that, as part of the application for the designation, the Village Council would have to declare that the tax incentive is necessary for the renovation of the property.

She explained that the work had already been done, opined that they would not qualify for the Class L tax designation, and declined to speculate upon the impact of a potential Class L designation.

Trustee Buck stated that a building with landmark status would be harder to renovate or tear down, which could have an impact on the Village years into the future.

President Tucker said while the discussion is a worthwhile one, the Council should focus on the applications before it, as there currently is no Class L designation in Winnetka.

Trustee Braun asked what the downside would be if the applications were not approved.

Attorney Janega explained that she foresees no risk to the Village whether the applications are approved or denied, but she said the Village has been careful through the years to allow landowners to do what they want with their property, including applying for landmark designation. She said denying the applications after the Landmark Preservation Commission has recommended approval carries the risk of discouraging other owners from improving their properties in the hopes of gaining landmark designation. She stated that the buildings were in very poor condition until the current owner purchased them and carried out renovations.

Elizabeth Bryson, representing BJB properties, the owner of the four commercial buildings up for landmark designation, noted that the properties are not eligible for the Class L designation; therefore, there is no possibility the buildings will have their property tax rate lowered. Ms. Bryson explained that the building owners are seeking national landmark status in order to become eligible for a federal tax credit on future qualified rehab costs. She said the tax credit program is administered under State and Federal review and would not negatively impact local property tax revenues. She pointed out that the national landmark designation holds no restrictions on the property unless the tax credit is applied for, and she added that the owners sought the honorific local landmark designations since the buildings are significant to the community.

Jeffrey Liss, 1363 Edgewood, asked if there would be a retroactive effect if the Village chose to become certified for the Class L designation at a future time.

Attorney Janega said the implications would be researched if and when those circumstances arise.

Trustee Corrigan arrived at 8:48.

Louise Holland, 545 Oak and Chair of the Landmark Preservation Commission, said the first priority of government in Winnetka is providing for the welfare of the general public. She stated that allowing property owners to nominate their properties for designation preserves the ambiance of the Village, as the mixture of older homes, rehabbed homes and newly

constructed homes all contribute to the character of Winnetka. She pointed out that BJB Properties has invested many thousands of dollars in improvements and that their buildings are 100% rented, and that commercial properties are also an important component of the fabric of the Village.

Trustee McCrary, seconded by Trustee Spinney, moved to adopt Ordinance M-9-2012. By roll call vote, the motion failed. Ayes: Trustees McCrary and Spinney. Nays: Trustees Corrigan, Braun, Kates and Buck. Absent: None.

iii) Ordinance M-10-2012: 503-507 Chestnut Landmark Designation – Adoption.

Trustee McCrary, seconded by Trustee Spinney, moved to adopt Ordinance M-10-2012. By roll call vote, the motion failed. Ayes: Trustees McCrary and Spinney. Nays: Trustees Corrigan, Braun, Kates and Buck. Absent: None.

iv) Ordinance M-11-2012: 545-561 Lincoln/743-749 Elm Landmark Designation – Adoption.

Trustee McCrary, seconded by Trustee Spinney, moved to adopt Ordinance M-11-2012. By roll call vote, the motion failed. Ayes: Trustees McCrary and Spinney. Nays: Trustees Corrigan, Braun, Kates and Buck. Absent: None.

v) Ordinance M-12-2012: 874 Green Bay Landmark Designation – Adoption.

Trustee McCrary, seconded by Trustee Spinney, moved to adopt Ordinance M-12-2012. By roll call vote, the motion failed. Ayes: Trustees McCrary and Spinney. Nays: Trustees Corrigan, Braun, Kates and Buck. Absent: None.

b) Ordinance M-14-2012: Park District Skokie Playfield Phase Two - Special Use Permit & Variations – Introduction. Mr. D’Onofrio explained that the Park District has applied for a special use permit and zoning variations for Part 2 of the Phase I improvements in its Master Plan, which focus on the athletic fields north of the Skokie playfields, as well as stormwater improvements. He briefly described the improvements, which include reconfiguring and regrading all the ball fields, installing synthetic turf at the soccer and lacrosse fields, new pathways between fields, underground stormwater storage, and more efficient lighting.

Terry Schwartz, Park District Director, said the Park Board, staff, consultants and community members have worked for five years to improve the facilities and programs, and that water management and enhanced playing fields are the main objectives.

The Park District’s landscape planner, Scott Freres of Lakota Group, reviewed the improvements, which do not include any new facilities, but rather reconfigure the existing ones to improve access and drainage conditions. He explained that most of the trees being removed are in poor condition and will be replaced with healthy, desirable quality trees, and that the plan has many sustainable components built into it.

The Park District’s stormwater engineer, Don Matthews of Gewalt Hamilton & Assoc., said the crucial portion of the Part 2 improvements is the stormwater management, which will benefit the community as well as the Park District. He explained that the site generally drains from east to west: from Hibbard water drains primarily via a pumping network to the ponds in the golf course, and from there via gravity to the east diversion ditch to the Skokie River. He noted that none of the Skokie playfields drain to properties east of Hibbard Road, and that the neighborhood to the east drains to Hibbard and

sometimes overflows onto Park property. He stated that the Park District plan calls for stormwater detention that exceeds the requirements of the Village Code, so that additional storage capacity will be in place for future planned improvements.

Mr. Matthews said he had met with the Metropolitan Water Reclamation District (MWRD) to ensure that the Park District has the flexibility to work with the Village's community-wide flood mitigation plan. He explained that in the event the Village's proposed tunnel project does not occur, there is additional storage provided for the Village on the Skokie playfield site. He discussed the grading of the six ball fields, site lighting and the network of paths, which will include best management practices such as water harvesting, bioswales and plantings.

The Council asked questions about compensatory storage, funding and the viability of the golf course.

Mr. Matthews explained that the focus for Phase I of the Master Plan is on storage detention of water and that the compensatory storage will be addressed in Phase II, in compliance with flood plain regulations. He said although the proposed tunnel project would benefit the site, as it would mitigate flooding from the neighborhood to the east, the plan is designed to provide excess storage even if the tunnel is not built.

Mr. Schwartz stated that although the project has not gone to bid yet, staff estimates the cost of the project, which is fully funded, will be between \$9.5 – 12 million. He added that the Park Foundation is working to raise additional funding. He said one of the purposes of the plan is to protect the golf course against water damage in order to make it more profitable, and that the playing fields should experience less down time from rain incidents and poor field conditions.

Public Works Director Steve Saunders confirmed that the Park District's stormwater plan complies with MWRD regulations, which are more stringent than the Village's, and that excess capacity for the Village has been provided for in the event that the tunnel project does not go forward.

Newton Marshall, 752 Lincoln; Eric Lifendahl, 140 Westview; Bill Hurley, 1158 Oak; and Ted Albrecht, 1205 Cherry, all asked the Council to approve the project, as the current conditions of the playing fields need improvement.

Trustee Kates suggested waiving introduction of the Ordinance, to expedite the project's implementation.

Attorney Janega said the introduction could be waived if the Council desires, and that she would make technical corrections to the Ordinance in the final draft.

Trustee Braun, seconded by Trustee Spinney, moved to waive introduction of Ordinance M-14-2012. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Kates, McCrary and Spinney. Nays: None. Absent: None.

Trustee Braun, seconded by Trustee Spinney, moved to adopt Ordinance M-14-2012. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Kates, McCrary and Spinney. Nays: None. Absent: None.

8) Public Comment and Questions. None.

9) Old Business. None.

10) New Business. None.

11) Reports

- a) Village President. President Tucker said she was planning on drafting a Resolution to urge Governor Quinn to pass pension reform, and she congratulated Girl Scout Troop 41059 for the success of their distracted driving campaign.
- b) Trustees.
  - i) Trustee Braun asked if the issue of landmark designation of the commercial properties could be revisited, as he did not wish to discourage future commercial building owners from applying for landmark designation and he also did not wish to give the impression to the lower boards that the Council will overturn their recommendations.
  - ii) Trustee McCrary reported that the Historical Society Gala will be held the coming Saturday, and their Annual Meeting will be on Wednesday, June 13.
  - iii) Trustee Spinney said she attended the Interfaith Housing Center's 40th anniversary event, where five Winnetka residents were honored, and she reported that the Chamber of Commerce is working on the upcoming Sidewalk Sale.
- c) Attorney. No report.
- d) Manager. No report.

12) Appointments.

- a) President Tucker announced the appointment of Matt Hulsizer as the District 36 School Board's liaison to the Plan Commission, effective immediately. Trustee Buck, seconded by Trustee Braun, moved to approve the appointment. By voice vote, the motion carried.
- b) President Tucker announced the appointment of Kirk Albinson to the Design Review Board, effective immediately. Trustee Braun, seconded by Trustee Buck, moved to approve the appointment. By voice vote, the motion carried.
- c) President Tucker announced the appointment of Gene Greable as Chair of the Plan Commission, effective immediately. Trustee Braun, seconded by Trustee Buck, moved to approve the appointment. By voice vote, the motion carried.

13) Executive Session. None.

- a) President Tucker called for a motion to hold a special Executive Session at 6:15pm on June 12, 2012, to discuss Personnel and Collective Bargaining, pursuant to Sections 2(c)(1) and 2(c)(2) respectively, of the Illinois Open Meetings Act. Trustee Braun so moved and Trustee Spinney seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

14) Adjournment. Trustee Braun, seconded by Trustee Buck, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 10:22 p.m.

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Recording Secretary

**MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
June 19, 2012**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Council Chambers on Tuesday, June 19, 2012, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:32 p.m. Present: Trustees Jack Buck, Patrick Corrigan, Richard Kates, Stuart McCrary and Jennifer Spinney. Absent: Trustee Arthur Braun. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Director of Community Development Michael D’Onofrio, Assistant Director of Community Development Brian Norkus, Deputy Fire Chief John Ripka and one person in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) July 3, 2012 Council Meeting. President Tucker announced that this meeting has been cancelled due to the Fourth of July holiday.
  - b) July 10, 2012, Special Meeting and Study Session. All of the Council members present, except President Tucker, indicated that they expected to attend.
  - c) July 17, 2012, Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Spinney, seconded by Trustee Buck, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: Trustee Braun.
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) May 8, 2012, Study Session.
  - b) Warrant Lists Nos. 1753 and 1754. Approving Warrant List No. 1753 in the amount of \$1,329,709.54, and Warrant List No. 1754 in the amount of \$333,411.72.
  - c) Resolution R-26-2012: Department Head Salaries – Adoption. This Resolution approves and establishes the monthly base salaries for department heads.
  - d) Resolution R-27-2012: Manager Salary – Adoption. This Resolution approves and establishes the monthly base salary of the Village Manager.

After Trustee Kates confirmed that the check to the Chicago North Shore Convention & Visitors Bureau was being held pending further information, Trustee Spinney, seconded by Trustee Kates, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: Trustee Braun.
- 6) Stormwater Update. None.

7) Ordinances and Resolutions.

- a) Ordinance MC-4-2012: Updated Building Codes – Introduction. Attorney Janega distributed handouts of the table of contents from Titles 8 (Fire and Safety) and 15 (Buildings and Construction) showing where sections are proposed to be amended, cross-referenced to the corresponding pages in the draft ordinance. She then reviewed the proposed amendments.

Ms. Janega explained the history of the Village’s Building Code, noting that it has been the Village’s long established practice to craft its Building Code by taking model Codes, adopting them by reference, and then amending them by excluding, amending, or adding provisions to make them consistent with Village policies and Illinois law.

Community Development Director D’Onofrio stated that the purpose of the proposed amendments to the Village’s building, fire and safety codes is to bring them up to date by adopting more recent editions of the model codes, and added that keeping the Village’s Building Code current provides a better safeguard for the health, safety and welfare of building occupants, and allows building owners and contractors to use the latest in construction materials and methods.

He noted that the Building Code can also affect property insurance rates because the Insurance Services Office, Inc., (ISO) looks at the edition of the model codes a municipality operates under to determine property insurance rates. He explained how the ISO rates municipalities and added that the ISO has informed the Village that to maintain the Village’s current Grade 4 rating, the updated codes should be adopted before July 22, 2012.

Both Ms. Janega and Mr. D’Onofrio pointed out that the proposed amendments are not intended to substantially change either the code or its administration from what is in use today. Mr. D’Onofrio explained that the purpose of codes is to reduce potential hazards so as to protect public health, safety and welfare and that they are not adopted to increase cost, restrict materials, or give preferential treatment to techniques or products. He added that codes establish conformity of construction and help ensure safe building through careful design, construction, and inspection. He noted that all of Winnetka’s neighboring municipalities have adopted iterations of the same model codes.

Ms. Janega explained that the proposed amendments can be grouped into four categories: administrative, technical, different codes adopted, and policy, and she gave examples of each. Mr. D’Onofrio noted that both the Building Code and the Residential Code have been amended so as to not require residential sprinklers.

Mr. D’Onofrio and Ms. Janega then responded to questions from the Trustees.

Trustee Kates expressed concern that the adoption of the new codes would be applied retroactively and that they might result in additional costs to residents undertaking construction projects, especially with regard to the addition of a new energy conservation code, and that all of the codes allow for interpretation in administration. He asked for assurances that the changes would be applied prospectively, and for more information about the energy conservation code. He also suggested that the required display of house numbers be allowed on the parkways.

Trustee Corrigan inquired about the appeals process and asked that staff look at ways to streamline it.

Phil Hoza, 605 Cherry Street, a licensed, insured plumbing contractor commented that contractors appreciate good codes so they know what is required to do a job right. He opined that strong codes help to maintain the quality and value of the Village’s buildings. He urged the Council not to attempt to micromanage the building codes, but to leave their interpretation and administration up to the trained, professional staff, who make informed, good decisions on behalf of the Village on a daily basis.

After a lengthy discussion, Trustee Spinney, seconded by Trustee Buck, moved to introduce Ordinance MC-4-2012. By roll call vote, the motion carried. Ayes: Trustees Spinney, Corrigan, and Buck. Nays: Trustees Kates and McCrary. Absent: Trustee Braun.

- b) Resolution R-28-2012: Pension Reform – Adoption. President Tucker presented a Resolution encouraging the State legislature to adopt comprehensive, global pension reform to mitigate the state-wide pension crisis, commented on the need for public employee pension reform and urged the Council to approve the Resolution.

Trustee Kates, seconded by Trustee Buck, moved to adopt Resolution R-28-2012. By roll call vote, the motion carried. Ayes: Trustees Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: Trustee Braun.

8) Public Comment and Questions. None.

9) Old Business. None.

10) New Business. None.

11) Reports

- a) Village President. President Tucker reported on her participation in a June 12<sup>th</sup> conference call with Congressman Robert Dold and representatives from other northern Illinois municipalities.
- b) Trustees.
  - i) Trustee Spinney reported on her attendance at the recent Chamber of Commerce meeting.
  - ii) Trustee Kates reported on the meeting of the Business Community Development Commission, noting that they are compiling a list of things the Village needs to do to attract and retain businesses.
- c) Attorney. None.
- d) Manager. Manager Bahan mentioned that he would be attending the Illinois city Managers Association meeting next week.

12) Appointments.

- a) President Tucker called for a motion to appoint of Herb Ritchell to the Board of Fire and Police Commissioners to complete the term of Stephen Presser, effective immediately. Trustee Spinney, seconded by Trustee Buck, moved to approve the appointment. By voice vote, the motion carried.

- b) President Tucker called for a motion to appoint Charlotte McGee to the Environmental and Forestry Commission to replace Katie Stevens whose term has expired, effective immediately. Trustee McCrary, seconded by Trustee Buck, moved to approve the appointment. By voice vote, the motion carried.

13) Executive Session. None.

14) Adjournment. Trustee Spinney, seconded by Trustee Kates, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:32 p.m.

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Recording Secretary

## AGENDA REPORT

TO: Village Council  
FROM: Robert M. Bahan, Village Manager  
DATE: July 5, 2012  
SUBJECT: **Warrant Lists Nos. 1755 and 1756**

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Warrants Lists Nos. 1755 and 1756 are enclosed in each Council member's packet.

**Recommendation:** Consider approving Warrants Lists Nos. 1755 and 1756.

**AGENDA REPORT**

TO: Village Council

PREPARED BY: Robert M. Bahan, Village Manager

DATE: July 5, 2012

SUBJECT: Resolution No. R-29-2012 – Adoption of Collective Bargaining Agreement with the International Association of Firefighters, Representing Winnetka Firefighters

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The Village and International Association of Firefighters, Local 2077 have reached an understanding through federal mediation regarding the collective bargaining agreement concerning wages, hours and working conditions. The agreement would authorize the following wage increases:

Effective April 1, 2011	1.50%
Effective April 1, 2012	1.00%
Effective October 1, 2012	1.25%
Effective April 1, 2013	1.00%
Effective October 1, 2013	1.50%
Effective April 1, 2014	1.00%
Effective October 1, 2014	1.75%

The term of the contract is from April 1, 2011 through December 31<sup>st</sup> of 2014. The wage provision of the agreement extends through March 31, 2015 and would not allow for a wage increase with a successor agreement prior to 3/31/15.

In addition, the Agreement incorporates the same changes with regard to health insurance, sick leave policy revision, and changes for new hires that were authorized during interest arbitration with the Metropolitan Alliance of Police representing Winnetka’s police officers.

**Recommendation:** Adopt Resolution No. R-29-2012 approving the agreement between the Village of Winnetka and the Local 2077 of the International Association of Firefighters for the period April 1, 2011 through December 31, 2014.

**A RESOLUTION  
ACCEPTING AND APPROVING THE AGREEMENT  
BETWEEN THE VILLAGE OF WINNETKA, ILLINOIS, AND  
THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2077**

**BE IT RESOLVED** by the Council of the Village of Winnetka as follows:

**SECTION 1:** The Council of the Village of Winnetka, in the exercise of its home rule powers under Article VII, Section 6 of the Constitution of the State of Illinois of 1970, hereby accepts and approves an Agreement between the Village of Winnetka, Illinois, and the International Association of Firefighters, Local 2077, substantially in the form attached hereto as Exhibit A, effective April 1, 2011, through December 31, 2014.

**SECTION 2:** The Village President is hereby authorized and directed to sign, and the Village Clerk to attest, said Agreement on behalf of the Village.

**SECTION 3:** This resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of article VII of the Illinois Constitution of 1970.

**SECTION 4:** This Resolution shall be in full force and effect upon its adoption as provided by law.

**ADOPTED** this 10<sup>th</sup> day of July, 2012, by the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

**AGREEMENT BETWEEN**  
**THE VILLAGE OF WINNETKA, ILLINOIS**  
**AND**  
**THE INTERNATIONAL ASSOCIATION OF**  
**FIREFIGHTERS**  
**LOCAL 2077**  
**2011-2014**

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**ARTICLE I**  
**RECOGNITION**

**Section 1.1. Recognition.** The Village recognizes the Association as the sole and exclusive collective bargaining representative for all employees of the Village of Winnetka Fire Department in the rank or classification of Firefighter, Firefighter/Engineer, Firefighter/Paramedic, Lieutenant, Lieutenant/Paramedic, Captain, and Captain/Paramedic, but excluding all employees of the Village of Winnetka in the rank of Chief and Deputy Chief, all supervisors, confidential employees, managerial employees and short term employees as defined by the Illinois Public Labor Relations Act, and all other employees of the Village of Winnetka.

## **ARTICLE II**

### **ASSOCIATION RIGHTS**

**Section 2.1. Dues Deductions.** While this Agreement is in effect, the Village will deduct from each employee's paycheck once each month the uniform, regular monthly Association dues for each employee in the bargaining unit who has filed with the Village a lawful, voluntary, effective check-off authorization form. The Village will honor all executed check-off authorization forms received not later than ten (10) working days prior to the next deduction date and such authorization forms shall remain in effect until revoked. An employee desiring to revoke the dues check-off may do so at any time by providing written notice to the Village and the Association. If a conflict exists between the check-off authorization form and this Article, the terms of this Article and Agreement control.

Total deductions collected for each calendar month shall be remitted by the Village to an address provided by the Association together with a list of employees for whom deductions have been made not later than the tenth (10th) of the following month. The Association agrees to refund to the employee(s) any amounts paid to the Association in error on account of this dues deduction provision.

The actual dues amount to be deducted shall be certified to the Village by the Association, and shall be uniform in dollar amount for each employee in order to ease the Village's burden of administering this provision. The Association may change the fixed uniform dollar amount which will be regular monthly dues once each calendar year during the life of this Agreement. The Association will give the Village sixty (60) days' notice of any such change in the amount of uniform dues to be deducted.

**Section 2.2. Indemnification.** The Association shall indemnify, defend and hold harmless the Village and its officials, representatives and agents against any and all claims, demands, suits or other forms of liability (monetary or otherwise) and for all legal costs for counsel selected or approved by the Association that shall arise out of or by reason of action taken or not taken by the Village in complying with the provisions of this Article.

**Section 2.3. Use of Village Facilities and Equipment.** With the prior approval of the Fire Chief or his designee, Association representatives may use Village copy machines, computers, and fax machines. The Association may use Village facilities for Association meetings with the prior approval of the Fire Chief or his designee. Such use shall not take precedence over Village needs and any materials used or other costs incurred shall be reimbursed by the Association if requested by the Village. Except as otherwise expressly provided in this Agreement or with the prior approval of the Fire Chief or his designee, no Association business shall be conducted during the time that employees are performing assigned duties and responsibilities and/or when it interferes with Departmental operations.

**Section 2.4. Bulletin Board.** The Village will make available bulletin board space in the day room of the fire station for the posting of official Association notices and information of a non-political and non-inflammatory nature. The Association will limit the posting of Association notices to said bulletin board. Any Association material to be posted on the bulletin board shall be approved by a member of the Association Executive Board prior to posting.

**ARTICLE III**  
**MANAGEMENT RIGHTS--RULES AND REGULATIONS**

**Section 3.1. Management Rights.** Except as limited by the provisions of this Agreement, the Village retains all of its inherent rights to manage and direct the affairs of the Village in all of its various aspects, including but not limited to the following: to determine the operations, services, policies and missions of the Village and its Fire Department; to manage, supervise and direct its employees; to determine the qualifications for employment and job positions and to employ employees; to schedule and assign work, to transfer and reassign employees; to establish reasonable work and productivity standards; to determine the methods, means, organization and number of personnel by which departmental services shall be provided; to evaluate employees; to change or eliminate existing equipment or facilities and to introduce new equipment or facilities; to discipline, suspend and discharge employees for just cause (probationary employees without cause); and to lay off employees. The Village shall also have the right to take any and all actions as may be necessary to carry out the mission of the Village and the Fire Department in the event of civil emergency as may be declared by the Village President, the Village Manager, Fire Chief or their authorized designees, which may include, but are not limited to, riots, civil disorders, tornado conditions, floods or other catastrophes.

It is provided, however, that the exercise of any of the foregoing rights shall not conflict with any other provision of this Agreement.

**Section 3.2. Rules and Regulations.** It is understood that new or revised reasonable written rules, regulations, policies and procedures are established by the Village from time to time. Except in an emergency, the Association shall be given notice of any proposed additions or changes and a reasonable opportunity to present its comments prior to finalization. Except in an emergency, any new or revised reasonable written rule, regulation, policy or procedure shall be posted no less than ten (10) days before becoming effective or enforceable.

**ARTICLE IV**  
**GRIEVANCE PROCEDURE**

**Section 4.1. Definition.** A “grievance” is defined as a dispute or difference of opinion concerning the interpretation or application of the provisions of this Agreement raised by an employee against the Village or by the Association if it is a grievance arising out of the same facts and involves two or more employees. This grievance procedure shall supersede any other Village grievance procedure. An Association grievance as herein defined may by mutual agreement of the Fire Chief and an Association representative be directly submitted at Step 2 within the time limits for filing a grievance at Step 1; if there is no such mutual agreement, an Association grievance may be filed at Step 1.

**Section 4.2. Procedure.** The parties acknowledge that it is usually most desirable for an employee and his supervisors to resolve problems through free and informal communications. If, however, the informal process does not resolve the matter, the grievance will be processed in the following manner:

- Step 1:** An employee who believes that he/she has a grievance, or the Association, whichever is applicable, shall present the grievance in writing to the Deputy Chief. To be timely, the grievance must be received by the Deputy Chief, or designee, no later than ten (10) calendar days after its occurrence or ten (10) calendar days after the employee, through the use of reasonable diligence, should have had knowledge of its occurrence. The written grievance shall include a statement of all relevant facts, the provision or provisions of the Agreement alleged to be violated, and the remedy requested. The Deputy Chief, or the Deputy Chief’s designee, shall provide a written response within seven (7) calendar days after the grievance is presented at Step 1.
- Step 2:** If the grievance is not settled at Step 1, the written grievance may be appealed in writing by the employee or by the Association, whichever is applicable, and must be received by the Fire Chief, or designee, no later than seven (7) calendar days after the date of the response of the Deputy Chief, or the Deputy Chief’s designee. The Fire Chief, or the Chief’s designee, shall meet with the employee, and an Association representative if the employee or the Association so desires, in an effort to resolve the grievance within seven (7) calendar days after the Chief, or the Chief’s designee, receives the grievance. The Chief, or the Chief’s designee, shall reply in writing to the grievance within seven (7) calendar days after the date of the meeting.
- Step 3:** If the grievance is not settled in Step 2, the written grievance may be appealed in writing by the employee or by the Association representative to the Village Manager, or the Manager’s designee, and must be received by the Village Manager, or the Manager’s designee, not later than ten (10) calendar days after the Association receives the Step 2 written reply of the Fire Chief, or the Chief’s designee. The Village Manager or the Manager’s designee shall make such investigation of the facts and circumstances as the Manager, or the Manager’s designee, deems necessary, and may meet with the Association representative and

such other individual(s) as may be necessary to review the facts surrounding the grievance. The Village Manager or the Manager's designee will give a written answer to the grievance within ten (10) calendar days after the date of the meeting, or if there is no meeting, within fourteen (14) calendar days after the date the grievance was received by the Manager, or the Manager's designee.

**Section 4.3. Arbitration.** A grievance not settled in Step 3 may be appealed by the Association to arbitration by serving on the Village a written request to arbitrate and said request must be received by the Village Manager, or the Manager's designee, not later than fifteen (15) calendar days after the Association receives the written reply of the Village Manager or the Village Manager's designee. It is acknowledged that the Association has the right to exercise its discretion to determine whether to appeal an employee's grievance to arbitration. More than one grievance may be appealed to the same arbitrator if both parties mutually so agree in writing.

If the parties fail to agree upon an arbitrator within fifteen (15) days after receipt of the written request to arbitrate, they shall request the Federal Mediation and Conciliation Service to submit a panel of seven (7) proposed arbitrators, all of whom are members of the National Academy of Arbitrators. The parties may each strike one (1) panel. The parties shall select the arbitrator by alternately striking a name until one (1) name remains, who shall be the arbitrator. During the term of this Agreement the parties shall alternate in striking the first name from the panel, with the Association striking first for the first grievance appealed to arbitration, the Village striking first for the second grievance appealed to arbitration, etc.

**Section 4.4. Arbitrator's Authority.** The arbitrator shall consider and decide only the issues raised by the grievance as submitted to the arbitrator concerning whether there has been a violation, misinterpretation or misapplication of the provisions of this Agreement and, if the arbitrator finds that there has been a violation, misinterpretation or misapplication of the provisions of this Agreement, the appropriate remedy. The arbitrator shall have no authority or right to amend, modify, nullify, ignore, add to, or subtract from the provisions of this Agreement. The arbitrator shall only consider and make a decision with respect to the issue or issues appealed to arbitration and shall have no authority to make a decision on any other issues not so submitted. The arbitrator shall submit in writing his/her decision to the Village and the Association within thirty (30) days following the close of the hearing or the date on which post-hearing briefs are submitted, whichever is later, unless the parties agree to an extension. The decision shall be based solely upon the arbitrator's interpretation of the meaning or application of the terms of this Agreement to the facts presented in the grievance. Subject to the arbitrator's compliance with the provisions of this Section, the decision of the arbitrator shall be final and binding on the Village, the Association, and the grievant. The fees and expenses of the arbitrator shall be borne equally by parties, but each party shall be responsible for compensating its own representatives and witnesses. If both parties mutually agree on having the hearing transcribed, the cost shall be split by the parties. Otherwise, any party desiring a transcript shall be responsible for the cost of same.

**Section 4.5. Time Limits.** If a decision is not rendered by the Village within the time limits provided for in this grievance procedure, the aggrieved employee or the Association, whichever is applicable, may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step as provided above. If at any step the aggrieved employee or

the Association does not submit the grievance or appeal the Village's decision in the manner and time limits provided for in the grievance procedure, the grievance shall be considered settled on the basis of the last decision of the Village without any further appeal or reconsideration. The time limits at any level of the grievance procedure may be extended by mutual written agreement between the Association and the Village.

**Section 4.6. Pay Status While Attending Grievance Meetings.** Whenever practicable, the Village will schedule grievance meetings provided for in this Article during the work shift of the grievant. The grievant and, if requested by the grievant, one Association representative who works on the same shift shall be permitted to attend such meeting without loss of pay. Under no circumstances shall the Village be obligated to pay any employee overtime pay for attendance at grievance meetings.

**Section 4.7. Miscellaneous.** No member of the bargaining unit shall have any authority to respond to a grievance being processed in accordance with the grievance procedure set forth in this Article. Moreover, for purposes of determining whether this Agreement has been violated, no action, statement, agreement, settlement, or representation made by any member of the bargaining unit shall impose any obligation or duty or be considered to be authorized by or binding upon the Village that the Village has not previously agreed to in writing, unless the member of the bargaining unit is acting at the specific direction of the Fire Chief or other supervisory/managerial employee who is excluded from the bargaining unit set forth in Article I.

Nothing in this Agreement prevents an employee from presenting a grievance to the Village and having the grievance heard and settled without the intervention of the Union; provided, however, that the Union is afforded the opportunity to be present at such conference and that any settlement shall not be inconsistent with the terms of this Agreement.

For the purposes of this Article, the Association shall provide the Village with written notice of the name of at least one bargaining unit employee on each shift who is authorized to receive Village responses to grievances.

**ARTICLE V**  
**NO STRIKE—NO LOCKOUT**

**Section 5.1. No Strike.** Neither the Association nor any of its officers or agents or employees covered by this Agreement will instigate, promote, sponsor, engage in, or condone any strike, sympathy strike, slowdown, sit-down, concerted stoppage of work, concerted refusal to perform mandatory overtime, concerted mass resignations or concerted mass absenteeism.

**Section 5.2. No Lockout.** The Village will not lockout any employee as a result of a labor dispute with the Association.

**ARTICLE VI**  
**HOURS OF WORK, JOB DUTIES AND OVERTIME**

**Section 6.1. No Guarantee of Hours of Work.** Nothing in this Agreement shall be construed as a guarantee of hours of work per day, week, tour of duty, work period or year.

**Section 6.2. Shifts and Tours of Duty.** Except as otherwise provided in this Agreement, employees shall be assigned to regular duty shifts which shall commence at 0700 hours and shall end at 0700 the following day. The regular duty schedule shall be one shift on duty followed by two (2) shifts off duty. The regular tour of duty shall be twenty-seven (27) days.

**Section 6.3. Computation of Hourly Rate of Pay for All Purposes.** For purposes of computing and determining an employee's hourly rate of pay for all pay purposes under this Agreement, an employee's annual base salary and any longevity pay shall be added together and that sum shall be divided by 2,600 hours for 24-hour shift employees.

**Section 6.4. Overtime Pay.** For all hours worked beyond an employee's scheduled shift hours, or beyond scheduled duty trade hours that are not part of the employee's regularly scheduled shift hours, an employee shall be paid time and one-half the employee's hourly rate of pay for overtime pay purposes as set forth in Section 6.3 above. Overtime pay shall be rounded to the nearest quarter hour and paid in 15 minute increments.

**Section 6.5. Assignment of Non-Emergency Duties.** The assignment of shift employees to non-emergency duties and responsibilities shall normally commence at and shall not normally extend beyond the following hours:

Monday through Saturday	0700 hours to 1600 hours
Sundays	0700 hours to 1130 hours
Holidays	0700 hours to 0900 hours

For the purposes of this Section, holidays shall be the actual day on which the following eight holidays fall: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas, and Christmas Eve Day.

The hours beyond which non-emergency duties do not normally extend may be extended to perform work related to public education/public relations/customer service (e.g., station tours, block parties, parades, fireworks, children's fairs).

Employees may be scheduled for night drills not more frequently than required by ISO or a fire department accrediting organization, provided that any such night drills will not be scheduled on Saturdays, Sundays, and the holidays specified above. On shifts when night training is scheduled, the hours that shift employees are assigned to non-emergency duties and responsibilities shall be reduced on an hour for hour basis.

**Section 6.6. Job Duties.** The primary job duties that employees covered by this Agreement may be assigned to shall be fire suppression, prevention and extinguishment, emergency medical services, rescue, hazardous materials, incident management, training, public education, and the normal and routine maintenance of equipment, fire station and grounds. It is recognized that changes in job duties and job functions will occur from time to time and that the Village may assign employees job duties and job functions reasonably related to those set forth above. Nothing herein shall limit assignments during emergency conditions or situations which threaten citizens' lives or property.

Employees may volunteer and the Village may ask for volunteers, to perform job duties unrelated to the primary job duties set forth above, but an employee's refusal to volunteer to perform such unrelated duties shall not be cause for discipline.

**Section 6.7. Meal Period and Shopping.** Subject to emergency calls, between 0700 hours and 1600 hours on Monday through Saturday 24-hour shift employees shall receive two breaks of 15 minutes each and one lunch period of one hour Monday through Saturday. On Sundays, 24-hour shift employees shall receive one break of 15 minutes. Each morning one employee will be given 45 minutes (normally scheduled sometime between 0700 hours and 0900) to shop for food in a staff vehicle within the Village or within one mile of the boundaries of Winnetka/Kenilworth. Thirty (30) minutes cooking time shall be allowed for one employee to prepare lunches on Monday through Saturday. Cooking time for lunch on the eight holidays specified in Section 6.6 above, on Sundays, and for all dinners shall occur outside the hours allotted for the performance of non-emergency duties.

**Section 6.8. Distribution of Hirebacks and Holdovers.** The Fire Chief or his designee shall have the right to require overtime work. Both holdovers and hirebacks shall be distributed by qualifications if needed (e.g., paramedic, fire apparatus engineer, officer). The assignment to work holdovers or hirebacks shall be in accordance with the following procedures for both shift coverage and special details:

**A. Hirebacks of More Than 48 Hours Notice**

1. The Fire Chief or designee shall provide every available employee the opportunity to express interest in working a predetermined hireback or detail when there is more than 48 hours notice, and shall establish a list reflecting such interest. The list shall include the date, time, number of hours, reason for the hireback, and a deadline in which to express an interest in working. Once the deadline has passed, any member who has not indicated on the list whether he wishes to work the overtime will be considered a "no" response to the voluntary opportunity.
2. If such hireback is needed, the Fire Chief or designee shall assign the hireback or detail to the employee(s) on the list who desire the hireback, who are qualified for the hireback in question, and who have the least amount of overtime from hirebacks, and details (excluding standby, holdovers, classes, meetings, seminars, special teams events, CPR/First Aid instruction and recall overtime) during the fiscal year.

**3. If no employee is interested in working the hireback, then the holdover procedure shall be used.**

**B. Hirebacks of Less Than 48 Hours Notice**

1. If a hireback is needed with less than 48 hours notice to the employees, the Fire Chief or designee shall notify all employees via pager and/or text messaging. The notice shall include the date, time, hours, and reason for the hireback. Employees interested in working the hireback shall notify the Fire Chief or designee within the designated time period of receiving the page (15 minutes or longer). The hireback shall be assigned to the employee(s) who affirmatively respond to the page within the designated time period, who are qualified for the hireback in question, and who have the least amount of overtime from hirebacks and details (excluding standby, holdovers, classes, meetings, seminars, special teams events, CPR/First Aid instruction, and recall overtime) during the fiscal year.
2. If no employee is interested in working the hireback, then the holdover procedure shall be used.

**C. Holdovers**

1. If it is determined that there is a need for a holdover by the Fire Chief, or his designee, pursuant to guidelines that may be established from time to time by the Fire Chief, or his designee, the least senior qualified employee(s) on the off-going shift shall be held over, unless such employee(s) is able to find a qualified replacement.
2. The work period for a holdover shall be contiguous with the regularly assigned shift of the employee being held over.

**D. Standbys**

1. A standby list shall continue to be maintained by the Deputy Chief which shall list all employees in order by the proximity of their residence to the Fire Department.
2. When there is a need for a standby (i.e., a situation where there is a need for an immediate replacement or additional staffing), not more than two (2) employees will be called back from the standby list, starting with the employee on the top of the standby list who can respond to the station within forty-five minutes and is qualified for the work in question.
3. Employees reporting for duty pursuant to such standby call back shall receive a minimum of two (2) hours pay at the applicable overtime rate from the time they were contacted for the standby until released by the shift commander, provided that if they are recalled within two hours of the beginning of their shift, they shall receive the actual amount of overtime due from time of the standby call back to the start of their shift to the nearest quarter hour.

**E. Recalls**

1. Any employees in excess of two (2) recalled back to duty in a situation where it does not continuously precede their scheduled working hours shall receive a minimum of three (3) hours pay at the applicable overtime rate, from the time of the recall page until released by the shift commander, provided that if they are recalled within three (3) hours of the beginning of their shift, they shall receive the actual amount of overtime due from time of the recall to the start of their shift to the nearest quarter hour. When employees respond to a recall on the day prior to their regularly assigned shift and perform EMS, suppression or ancillary duties within seven (7) hours prior to the start of their regularly assigned shift, the Chief or Deputy Chief will take the performance of such duties into account in assigning non-emergency duties during their regularly assigned shift.
2. In order to receive the minimum guarantee of three (3) hours, the employee must report within sixty (60) minutes from the time of the recall. If the employee responds to the recall, but does not do so within the required sixty (60) minutes, the employee shall only receive pay at the applicable overtime rate from the time he reports until the time in which he is released from the recall, provided he responds within 90 minutes. Any response greater than 90 minutes will require the approval of the Fire Chief or his designee.
3. This subsection concerning recalls shall not be applicable to overtime work covered by subsections A, B and C. Scheduled staff meetings, team meetings, and training shall not be considered recalls for the purposes of this subsection.

G. Nothing in this Agreement shall require the Village to interrupt work in progress at the end of an employee's normally scheduled shift (e.g., an ambulance run). If any employee establishes that he has not received his appropriate share of overtime opportunities, the Deputy Chief shall give such employee first preference to future overtime opportunities to correct the situation.

H. The Deputy Chief shall maintain an up-to-date list of overtime hours worked for hirebacks and details. This list shall continue to be made available to the Union President and shift commanders via Department e-mail whenever overtime is assigned, or changes are made.

**Section 6.9. Duty Trades.** Employees may have no more than five (5) non-paid back duty trades of full duty shifts on the books at any one time or more than four (4) non-paid back partial duty shifts of twelve (12) hours or less at any one time. Requests for duty trades must be submitted at least three (3) weekdays in advance. The Fire Chief or Deputy Chief may approve in writing an exception to the number of non-paid back duty trades and/or the required advance notice due to extenuating circumstances. To insure an orderly exchange of duty between employees, duty trades shall only be allowed within the same class, i.e., non-officer for non-officer and officer for officer. Duty trades approved for training or schooling, a home emergency, non-duty related subpoenas, or for contract negotiations shall not be counted towards the maximum number of non-paid back duty trades specified above. Three or more consecutive duty trades may be granted only with the written approval of Fire Chief or Deputy Chief. The

employee who accepts the trade, not the employee who would otherwise work the shift, shall be the one scheduled and responsible for the applicable shift hours. All approved duty trades must be paid back within a twelve month period from the date of the trade, except that trades shall be paid back prior to a shift transfer when the involved employees will be transferred to the same shift.

**Section 6.10. No Pyramiding.** Compensation shall not be paid more than once for the same hours under any provision of this Article or Agreement.

**ARTICLE VII**  
**SENIORITY, LAYOFFS AND RECALLS**

**Section 7.1. Seniority.** Seniority is defined as an employee's length of continuous full-time service with the Village since the employee's last date of hire in a bargaining unit position. Bargaining unit employees hired on the same date shall be ranked for seniority purposes according to their respective standings on the eligibility list. Solely for purpose of determining eligibility for economic fringe benefits (e.g., vacation), employees shall be additionally credited for full-time employment with the Village in non-bargaining unit positions. Seniority shall not include periods of unpaid leave time in excess of thirty (30) days or any periods of unpaid FMLA leave.

**Section 7.2. Probationary Period.** New employees shall serve a probationary period of twelve (12) months from the date of hire or six (6) months from date of State certification as a Firefighter II and receipt of a State license as an EMT-P, whichever is longer, but such probationary period shall not extend for more than thirty (30) months from date of hire. Time absent from duty without pay in excess of thirty (30) calendar days annually shall not apply towards satisfaction of the probationary period. During the probationary period, a probationary employee, at the sole discretion of the Village and without recourse to the grievance procedure, may be disciplined or terminated.

**Section 7.3. Layoffs.** If the Village determines that it is necessary to lay off employees due to lack of work and/or lack of funds, layoffs shall be made by inverse order of seniority. It is provided, however, that if the position of an employee on disability has been filled and the employee returns to such position, then such layoff may be by rank in reverse order of seniority. In any such situation at least four (4) weeks advance notice shall be provided to the affected employees.

**Section 7.4. Recall.** Employees who are laid off shall be placed on a recall list for a period of two (2) years. If there is a recall, employees who are still on the recall list shall be recalled in the inverse order of their layoff, provided that no employee may be recalled to a higher rank than the rank he/she has as of the date of recall. Employees who are eligible for recall shall be given fifteen(15) calendar days notice of recall and notice of recall shall be by certified or registered mail with a copy to the Association, provided that the employee must notify the Fire Chief or the Chief's designee of the employee's intention to return to work within five(5) days after receiving notice of recall. The Village shall be deemed to have fulfilled its obligations by mailing the recall notice by certified or registered mail, to the mailing address last provided by the employee, it being the obligation and responsibility of the employee to provide the Fire Chief or the Chief's designee with the latest mailing address. If an employee fails to respond in a timely manner to a recall notice, the employee's name shall be removed from the recall list. If an employee is recalled to the employee's former job and requires additional training, the Village shall provide that training at the Village's expense.

**Section 7.5. Rate of Pay.** When, due to a layoff, a higher ranked employee shall, at his option, be assigned to a lower paying rank if the employee so desires (provided his/her seniority permits), or accept the layoff. If the employee opts for the lower rank rather than accept a layoff, the employee will be paid in accordance with the employee's seniority as applied to the

progression schedule in effect for the lower paying rank. Should a permanent vacancy in the employee's higher rank become available, the employee shall be restored to that rank (seniority permitting) and at the pay for the higher rank.

**Section 7.6. Effects of Layoff.** During the period of time that non-probationary employees have recall rights as specified above, the following provisions shall be applicable to any non-probationary employees who are laid off by the Village:

1. An employee shall be paid for any earned but unused vacation days and any other earned and accrued benefits.
2. An employee shall be paid for any earned but unused sick leave hours on the same basis as the employee would be eligible to be paid for such hours if the employee retired or his employment has been terminated.
3. One week's pay for each year of employment (rounded up to the nearest complete year) with the Village, with a minimum of four weeks salary.
4. One week's continued health insurance at Village expense for each year of employment (rounded up to the nearest complete year) with the Village, with a minimum of one month of continued coverage. Thereafter, an employee shall have the right to maintain insurance coverage by paying in advance the full applicable monthly premium for single and, if desired, single plus one or family coverage.
5. If an employee is recalled, any sick leave hours that have not been compensated as provided in subsection 2 above that the employee had as of the effective date of the layoff shall be restored. Example: If an employee had 480 hours of earned and unused sick leave as of the effective date of the layoff and the employee received compensation for 240 such hours, the employee would have 240 hours of sick leave restored if he is recalled.

**Section 7.7. Posting of Seniority List.** The Village agrees to post, on an annual basis, a list covering the names of employees who are covered by this Agreement, in order of seniority from last date of hire. The Village shall not be responsible for any errors in the seniority list unless such errors are brought to the attention of the Village in writing within fourteen (14) calendar days after the Association's receipt of the list.

**Section 7.8. Termination of Seniority.** Seniority and the employment relationship shall be terminated for all purposes if the employee:

- (a) quits;
- (b) is discharged and is not reinstated;
- (c) retires (or is retired should the Village adopt and implement a legal mandatory retirement age);

(d) is laid off for a period in excess of two (2) years.

**Nothing in this Section is intended to or shall interfere with the right of an employee on a disability pension to be returned to work in accordance with the statutory provisions governing same.**

**ARTICLE VIII**  
**VACATIONS**

**Section 8.1. Eligibility and Allowances.** All employees shall be eligible for paid vacation time. Employees start to earn paid vacation time as of their date of hire and can use paid vacation time when they have been employed for 180 days. Vacation time shall be earned based on the following schedule:

<b>Length of Continuous Active Service</b>	<b>Hours Earned</b>
In 1st calendar year through calendar year in which 7th anniversary date of employment occurs	10.00 hrs./mo. (120 hrs.; 5 shift days)
Calendar years in which 8th through 14th anniversary date of employment occurs	15.00 hrs./mo. (180 hrs.; 7.5 shift days)
Calendar years in which 15th through 20th anniversary date of employment occurs	20.00 hrs./mo. (240 hrs.; 10 shift days)
Calendar year in which 21st anniversary date of employment occurs	21.00 hrs./mo. (252 hrs.; 10.5 shift days)
Calendar year in which 22nd anniversary date of employment occurs	22.00 hrs./mo. (264 hrs.; 11 shift days)
Calendar year in which 23rd anniversary date of employment occurs	23.00 hrs./mo. (276 hrs.; 11.5 shift days)
Calendar year in which 24th anniversary date of employment occurs	24.00 hrs./mo. (288 hrs.; 12 shift days)
Calendar year in which 25th anniversary date of employment occurs and subsequent years	25.00 hrs./mo. (300 hrs.; 12.5 shift days)

Except for extenuating circumstances or for good cause shown and with the prior written approval of both the Fire Chief and the Village Manager, no vacation time may be carried over from one calendar year to the next; provided, however, employees hired after June of any calendar year shall be permitted to carry over earned vacation time for use in the following calendar year.

**Section 8.2. Vacation Pay.** Vacation pay shall be based on the employee's regular pay in effect on the payday immediately preceding the employee's vacation. Employees will be paid their vacation pay as part of their regular paycheck for the period in which that vacation is taken.

**Section 8.3. Scheduling.** Subject to the direction of the Fire Chief, the Shift Commander shall coordinate time off scheduling. Selection of time off shall be scheduled by shift on a seniority basis and shall begin on or before September 15 and shall be completed by December 1. Time off selections shall be done in the following order:

1. Initial vacation selection periods shall not exceed seven (7) shift days.
2. After initial vacation selections have been completed, all remaining vacation time selections shall be made on a seniority basis until all vacation time has been selected.
3. After all vacation days have been selected, holiday time selections shall be made on a seniority basis until all holiday time has been selected.
4. After all holidays have been selected, FLSA time shall be selected on a seniority basis.

Half day selections may be combined to allow for a full shift off. Any half day selections shall be evenly split between AM (first half of the shift) and PM (second half of the shift). One full day or two half days (one for the first half of the shift and one for the second half of the shift), but not both, shall be available per shift for employees to make time off selections, except for the days on which the following holidays fall on the calendar two full days or four half days (i.e., two for the first half of the shift and two for the second half of the shift), but not both, shall be available: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, day after Thanksgiving Day, Christmas Eve, and Christmas Day. On any of these specified holidays, only one full day or two half days (one in the first half of the shift and one in the second half of the same shift), but not both, may be selected by a lieutenant or captain. The designation of the foregoing holidays shall be for the purpose of this Section only.

**Section 8.4. Vacation Pay upon Termination.** Upon termination of employment, employees shall be paid on a pro rata basis for any unused vacation time earned in the year of termination. For purposes of this Section, if the effective date of an employee's termination of employment falls on the fifteenth of the month or later, the employee shall be credited with earning vacation hours for that month.

**ARTICLE IX**  
**HOLIDAYS AND FLSA DAYS**

**Section 9.1. Holidays.**

A. In lieu of holidays, employees shall be granted three and one-half (3 ½) shift days to be taken as paid time off during the calendar year (i.e., a total of 84 hours). Such holiday time off for each calendar year shall be scheduled in the preceding calendar year after vacations in accordance with the provisions of Section 8.3 (Scheduling).

B. Employees who are employed as of April 1 of each fiscal year shall be paid holiday compensation of sixty-one (61) hours effective at time and one-half the employee's straight time hourly rate of pay. Payment shall be included in the employee's second paycheck in April and shall be advanced payment of holiday compensation for the fiscal year commencing April 1.

Employees hired after April 1 in the fiscal year shall be paid on a pro-rata basis of 1/12 of the holiday pay for each month in which the employee was employed on the fifteenth of each month remaining in that fiscal year.

If an employee receives holiday compensation and terminates employment prior to the end of the fiscal year, the employee shall reimburse the Village pro-rata on the basis of 1/12 holiday compensation for each month the employee was not employed on the fifteenth of the month in which employment is terminated and each month thereafter in the fiscal year. Reimbursement shall be by means of a deduction from the employee's paycheck, or if the employee's paycheck is insufficient, by paying the amount owed to the Village.

**Section 9.2. FLSA Days.** Employees shall be entitled to seven and one-half (7 ½) FLSA days without reduction in pay, which days shall be scheduled after vacations and holiday time off in accordance with the provisions of Section 8.3 (Scheduling).

**Section 9.3. FLSA Overtime.** The Village represents that it understands that the scheduling of FLSA time in the manner set forth in this Agreement which gives employees flexibility in the scheduling of FLSA time off satisfies the FLSA and that the Village is not under any obligation to pay any FLSA overtime. If, however, it is ever determined by the Department of Labor or any court that the Village has any FLSA overtime obligation for regularly scheduled hours of work, then upon written request by either party, the parties shall immediately meet to agree upon a method of scheduling FLSA time off that will eliminate any such FLSA overtime liability for regularly scheduled hours of work. If the parties are unable to agree upon such a method within thirty (30) days, the parties shall submit the issue to expedited arbitration. If the parties are unable to agree on an arbitrator within seven (7) days, the parties shall immediately request that the Federal Mediation and Conciliation Service to submit a panel of seven (7) arbitrators who are members of the National Academy of Arbitrators in the Chicago metropolitan area and available to hear and decide the issue within fourteen (14) days of the date the arbitrator is selected. The parties shall select the arbitrator within seven (7) days after receipt of the FMCS panel by alternatively striking a name until one (1) name remains, who shall be the arbitrator. The party who strikes first shall be determined by a coin toss. The arbitrator shall be

limited to deciding the method of scheduling FLSA time off that will eliminate any FLSA overtime liability for regularly scheduled hours of work, using the criteria typically used by interest arbitrators to resolve interest disputes.

**ARTICLE X**  
**SICK LEAVE**

**Section 10.1. Accrued Sick Leave.** All full-time employees shall be eligible to accrue paid sick leave as provided herein. The sick leave benefit shall be accrued at the rate of twelve (12) hours for each month of employment to begin at the date of employment. Employees who complete part of a work shift and go home sick will be debited for the amount of accrued sick leave used in fifteen minute increments. An employee may use sick leave for absence from work due to the employee's own illness or non-duty related injury, provided proper notice to the employee's supervisor has been given in accordance with Section 10.2. In addition, in an emergency situation, an employee may request to use sick leave and if such a request is made, the employee shall inform the Village of the anticipated length of time that the employee needs to deal with the emergency. Any such request shall not be unreasonably denied. The employee may be required to substantiate the reasons for requesting use of sick leave in an emergency situation. All outside employment activity that is inconsistent with the purpose of the sick leave must be discontinued while on sick leave.

Because sick leave may be used before it has been earned, any unearned sick leave time that has been used will be deducted on a pro rata basis from the final paycheck when an employee terminates employment with the Village.

**Section 10.2. Request for Sick Leave.** Employees requesting sick leave must call the on-duty supervisor as soon as possible, and preferably not less than one (1) hour prior to the start of the scheduled workday. Absent extenuating circumstances, an employee's failure to inform the on-duty supervisor each day of absence, or at agreed intervals in the case of an extended illness, will result in a loss of that day's sick leave pay. Employees will comply with reasonable reporting rules as may be established by the Fire Chief.

An employee may be required by the Village to substantiate proof of illness when there is reason to suspect sick leave abuse.

Where the employee is absent for more than two (2) shift days, the employee may be required by the Village to bring in a doctor's certificate in order to receive sick leave pay and also to be able to return to work.

**Section 10.3. Sick Leave Buyback.**

**A. Employees Who Were Hired Before April 1, 2012**

Effective April 1, 2012, the following provisions shall be applicable to employees hired before April 1, 2012:

**Annual Buyback**

1. Effective April 1, 2012, sick leave in excess of two hundred forty (240) hours may be cashed in at 50% up to the greater of the maximum number of accrued but unused sick leave hours as of December 31, 2011 or 900 hours at the employee's regular hourly rate.

2. Any hours above the maximum number of accrued but unused sick leave hours as December 31, 2011 or 900 hours may be cashed in at 30%.
3. Any such requests must be made prior to November 1. The employee's cashed-in sick pay will be included in the employee's second paycheck issued the following April, or such other paycheck issued subsequently in the fiscal year as may be requested by the employee.

#### Buyback at Termination

1. Employees who have less than twenty (20) years of seniority shall receive compensation at 50% of the employee's then current regular hourly rate of pay for all sick leave hours accrued but not used as of the date of termination that are in excess of two hundred forty (240) hours and up to the maximum set forth in subparagraph 3 below.
2. Employees who have twenty (20) or more years of seniority shall receive compensation at 50% of the employee's then current regular hourly rate of pay for all sick leave hours accrued but not used as of the date of termination up to the maximum set forth in subparagraph 3 below.
3. The maximum number of sick leave hours that will be paid at 50% of the employee's then current regular hourly rate of pay will be established based on the greater of the number of accrued but unused sick leave hours as of December 31, 2011 or 900 hours.
4. All sick leave hours accrued but not used as of the date of termination that are above the maximum set forth in subparagraph 3 above will be paid at 30% of the employee's then current regular hourly rate of pay.

#### B. Employees Hired on or after April 1, 2012

Effective April 1, 2012, the following sick leave buyback provisions shall be applicable to bargaining unit employees who were hired on or after April 1, 2012:

#### Annual Buyback

1. Sick leave in excess of forty hundred eighty (480) hours may be cashed in at 30% at the employee's regular hourly rate.
2. Any such requests must be made prior to November 1. The employee's cashed-in sick pay will be included in the employee's second paycheck issued the following April, or such other paycheck issued subsequently in the fiscal year as may be requested by the employee.

#### Sick Leave Buyback at Termination

Upon termination of employment in good standing, compensation at 30% of the employee's then current regular hourly rate of pay shall be paid for all sick leave hours accrued but not used in excess of four hundred eighty (480) hours.

**C. Generally**

Because sick leave may be used before it has been earned, any unearned sick leave time that has been used will be deducted on a pro rata basis from the final paycheck when an employee terminates employment with the Village.

**D. Maximum Accumulation**

Employees shall be subject to a maximum sick leave accumulation amount of two thousand one hundred sixty (2,160) hours as of the end of the fiscal year. Effective April 1, 2012 all employees shall be paid thirty percent (30%) of the value of any accrued but unused sick days above two thousand one hundred sixty (2,160) hours that have not been used during the fiscal year, said amount to be paid during January of the following year.

**E. Death Benefit.**

If an employee dies while on the active payroll of the Village and the employee had accumulated sick leave at the time of death, a death benefit based on that accumulated sick leave will be paid to the employee's spouse or, if no spouse, to the employee's estate. The amount of the death benefit shall be calculated in the same way that the death benefit based on accumulated sick leave is calculated for the Village's unrepresented employees who are similarly situated.

**ARTICLE XI**  
**ADDITIONAL LEAVES OF ABSENCE**

**Section 11.1. Discretionary Leaves.** The Village, in its discretion, may grant a leave of absence under this Article to any bargaining unit employee. Any request for a leave of absence shall be submitted in writing by the employee to the Fire Chief or the Chief's designee as far in advance as practicable. The request shall state the reason for the leave of absence and the approximate length of time off the employee desires. Authorization for a leave of absence shall, if granted, be furnished to the employee by the Fire Chief or the Chief's designee and shall be in writing. The Village shall set the terms and conditions of the leave, including whether or not the leave is with or without pay and with or without benefits.

**Section 11.2. Jury Duty.** An employee who is required to report for jury duty shall be excused from work without loss of pay or benefits (including, but not limited to, health insurance benefits, subject to any employee contributions that may be applicable) for the period of time which the employee is required to be away from work and during which the employee would have otherwise been scheduled to work. Subject to the court's direction, the employee is expected to report for work whenever the court schedule permits. Either the Village or the employee may request an excuse from jury duty if in the Village's judgment the employee's absence would create serious operational difficulties. An employee shall immediately notify the Fire Chief or the Chief's designee if the employee is required to report for jury duty and shall provide a copy of the subpoena immediately after it is received. All monies received for jury service may be retained by the employee to cover transportation expenses.

**Section 11.3. Witness Duty.** Employees required to appear in court for witness duty or required to appear for depositions when subpoenaed to do so for work-related matters will be compensated by the Village at their regular pay during their normally-scheduled hours, and at time and one-half their hourly rate for hours beyond their regularly scheduled hours. Employees will be granted unpaid time off to appear in court in response to a non-work-related subpoena. Employees are free to use any available accrued vacation to receive compensation for the period of this absence. The subpoena should be shown to the employee's supervisor as soon as reasonably possible after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. Subject to the court's direction, the employee is expected to report for work whenever the court schedule permits. Employees shall be permitted to retain any compensation or travel expenses received for such required appearances.

**Section 11.4. Funeral Leave.** In the event of a death in the immediate family of an employee, the employee will be granted one shift day (24 hours) (two shift days in the event of the employee's spouse or child) with pay to attend the funeral or memorial service without deduction from accumulated sick leave. For this purpose, immediate family consists of the employee's mother, father, mother-in-law, father-in-law, sister, sister-in-law, brother, brother-in-law, spouse, child, grandchild, grandparents, stepmother, stepfather, stepsister, stepbrother, stepchild, and relatives living in the same house as the employee. The Village retains the right to require proof of the funeral or memorial service and the employee's attendance at the funeral or memorial service.

**Section 11.5. Benefits While On Unpaid Leave.** Unless otherwise stated in this Agreement or otherwise required by law, length of service shall not accrue for an employee who is on an approved non-pay leave status; provided, however, length of service (seniority) shall continue for a disciplinary suspension. Accumulated length of service shall remain in place during that leave and shall begin to accrue again when the employee returns to work on a pay status. Unless otherwise stated in this Agreement, an employee returning from leave will have the employee's seniority continued after the period of the leave. Upon the employee's return, the Village will place the employee in the employee's previous job if the job is vacant; if the job is not vacant, the employee will be placed in the first available opening in the employee's classification or in a lower rated classification according to the employee's seniority, where the employee has the skill and ability to perform the work without additional training. If, upon expiration of the leave of absence, there is no work available for the employee or if the employee could have been laid off according to the employee's seniority except for the employee's leave, the employee shall go directly on layoff. During the approved leave of absence or layoff under this Agreement, the employee shall be entitled to either continuation or conversion coverage under applicable group medical (pursuant to COBRA) and life insurance plans to the extent provided in such plans, provided the employee makes arrangements for the change and arrangements to pay the entire insurance premiums involved, unless otherwise provided in this Agreement.

**Section 11.6. Military Leave.** Military leaves will be granted in accordance with applicable laws. The Village will pay an employee for a maximum of one week of regular pay on an annual basis in the case of short-term military leave for annual reserve training. The balance will either be unpaid or the employee may use accumulated paid vacation time. Benefits will be continued for a maximum of three weeks in the case of such short-term annual reserve training military leave.

If an employee is called for extended active duty, an employee will be paid the employee's regular pay for the first month of extended active duty. The balance of the leave will be unpaid. During the first three months of extended active duty, the Village will continue to contribute towards an employee's medical health and life insurance coverage, including dependent coverage, in the same amount as if the employee were actively employed. Thereafter, such coverage may be continued at the employee's expense. The accrual of vacation and sick leave benefits will continue during a military leave of absence for the time the employee is paid pursuant to the provisions of this Section.

Employees on military leave longer than one year must apply for reemployment in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one.

**Section 11.7. Family Medical Leave Act.** In order to be in compliance with the Family and Medical Leave Act of the 1993 ("FMLA") and applicable rules and regulations, the Village may adopt policies to implement the Family and Medical Leave Act of 1993 that are in accord with what is legally permissible under the Act and the applicable rules and regulations. During FMLA leave an employee may, at the employee's option, use available unused paid leave or go on unpaid leave.

**ARTICLE XII  
INSURANCE**

**Section 12.1. Coverage.** The Village shall provide medical insurance, life insurance and dental insurance coverage and benefits for employees and their dependents as set forth herein. Notwithstanding the foregoing, the Village retains the right to change insurance carriers, to self-insure or to adopt a Health Maintenance Organization (“HMO”) or PPO plan for the provision of life insurance, medical benefits, or dental benefits and the Village further has the right to institute, maintain and reasonably change cost containment provisions of the medical plan, provided that such changes are made in the plan for all of the Village’s other employees. It is further provided that the medical plan, its coverage and benefits in effect January 1, 2012 shall be maintained, except as provided in Section 12.2 below.

**Section 12.2. Medical Insurance.**

A. **Generally.** The Village shall provide medical insurance coverage and benefits for employees and their dependents commencing the first day of the calendar month following the employee’s completion of thirty (30) days of service as a member of Village’s Fire Department. The Village shall pay the full cost of premiums less employee premium contributions as set forth below.

B. **Premium Contributions by Employees.** Employees shall contribute the following pre-tax amounts per month by means of a payroll deduction and in accordance with the coverage selected:

EFFECTIVE DATE	SINGLE	SINGLE PLUS 1	FAMILY COVERAGE
Current	\$40.00	\$85.00	\$170.00
January 1, 2013	11%	11%	12%

The contributions as provided for above shall be made by means of a payroll deduction and the Village will pay the remainder of the cost, provided that a contribution of the same amount or more is mandated for all unrepresented Village employees.

It is further provided that premium cost contributions by employees covered under this Agreement are contingent upon such contributions in the same amount (percentage or dollar equivalent) or more by all other Village employees. If any other Village employee in the same salary range pays a lesser contribution for the coverage selected, such shall be applicable to similarly situated employees covered under this Agreement.

C. **PPO Changes.** During the term of the Agreement, the following changes to the Village’s PPO plan will be implemented on or after the effective dates specified below:

**IN NETWORK**

ITEM	EFF. 1/1/2012	EFF. 1/1/2013
Individual Out of Pocket Maximum	\$1,000	\$1,500
Family Out of Pocket Maximum	\$1,500	\$2,000

Individual Deductible	\$325	\$400
Family Deductible	\$975	\$1,200
Co-Insurance after Deductible	90%	90%

**OUT OF NETWORK**

ITEM	EFF. 1/1/2012	EFF. 1/1/2013
Individual Out of Pocket Maximum	\$3,000	\$3,750
Family Out of Pocket Maximum	\$7,000	\$7,500
Individual Deductible	\$800	\$950
Family Deductible	\$2,400	\$2,750
Co-Insurance after Deductible	70%	70%

**PRESCRIPTION CO-PAYS—IN PHARMACY PURCHASES**

ITEM	EFF. 1/1/2012	EFF. 7/1/2012
Generic	\$10.00	\$12.50
Brand if no generic available	\$20.00	\$25.00
Brand if generic IS available	\$40.00	\$45.00

**PRESCRIPTION CO-PAYS—MAIL ORDER**

ITEM	EFF. 1/1/2012	EFF. 7/1/2012
Generic	\$20.00	\$25.00
Brand if no generic available	\$30.00	\$50.00
Brand if generic IS available	\$60.00	\$90.00

There will be no further increases in the deductibles, out-of-pocket maximums and prescription co-pays for the duration of this 2011-2014 Agreement.

D. The plan(s) used to establish a Village paid \$500 account for each bargaining unit employee to reimburse the employee for eligible health care expenses and to establish an employee-funded post-retirement health savings plan will be subject to negotiations between the parties.

**Section 12.3. Life Insurance.** The Village shall provide employees with term life insurance commencing the first day of the calendar month following the employee's completion of thirty (30) days of service as a sworn member of the Village's Fire Department in an amount equivalent to the employee's annual base salary.

**Section 12.4. Dental Insurance.** The Village shall continue to provide a group dental insurance program for employees commencing the first day of the calendar month following the employee's completion of thirty (30) calendar days of service with the Village. The plan offered

by the Village will include both a Dental HMO (network) option and a traditional claims based (out of network) option. The Village will pay the cost of the premium for employee only coverage for plan option selected by the employee. In addition, an employee can obtain single plus one or family coverage under either option by paying the difference between the cost of the premium for employee only coverage and the cost of the premium for the additional coverage selected by the employee.

**Section 12.5. Cost Containment.** The Village reserves the right to maintain or institute cost containment measures relative to hospitalization and medical insurance coverage so long as the benefits and coverage are not reduced thereby except for failure to comply with reasonable cost containment procedures. Such measures may include, but are not limited to, mandatory second opinions for elective surgery, pre-admission and continuing admission review, managed care, prohibition on weekend admissions except in emergency situations, bounty clause, and mandatory out-patient elective surgery for designated surgical procedures.

**Section 12.6. Terms of Insurance Policies to Govern.** The extent of coverage under the insurance plan documents referred to in this Agreement shall be governed by the terms and conditions set forth in those policies. Any questions or disputes concerning such insurance documents, or benefits under them, shall be resolved in accordance with the terms and conditions set forth in the policies and shall not be subject to the grievance and arbitration procedures set forth in this Agreement. The failure of any insurance carrier(s) or organization(s) to provide any benefit for which it has contracted or is obligated shall result in no liability to the Village, nor shall such failure be considered a breach by the Village of any obligation under this Agreement. However, nothing in this Agreement shall be construed to relieve any insurance carrier(s) or organization(s) from any liability it may have to the Village, Village employee or beneficiary of any Village employee.

**Section 12.7. Retiree Medical Insurance Benefits.** Retired persons will be allowed at their own cost (retiree pays 100%) to continue to participate in the Village's single and dependent coverage group medical plan (regular plan under age 65 and Medicare supplement if age 65 or older) in accordance with the terms of the plan currently in effect for active employees if the retiree had a minimum of twenty (20) years of continuous service with the Village and was eligible to receive or had a vested right to a pension from the Village at the time of termination of employment with the Village. This retiree benefit is not intended to be treated as a vested benefit and is subject to modification or termination upon expiration of the Agreement.

**Section 12.8. Flex Plan.** The Village will offer employees, under the same terms and conditions that are offered from time to time to other Village employees, the opportunity to participate in the Village Section 125 Flex Plan. The Village will continue to offer this program only so long as the program continues to be authorized by the Internal Revenue Service.

**ARTICLE XIII**  
**WAGES AND OTHER ECONOMIC BENEFITS**

**Section 13.1. Salary Schedule.** Employees shall be compensated at a minimum in accordance with the wage schedules attached to this Agreement as Appendix A (applicable to employees hired before April 1, 2012) and Appendix B (applicable to employees hired on or after April 1, 2012) and made a part hereof. Entry level salaries for experienced firefighters may be set above the starting salary.

**Section 13.2. Longevity Pay.** Upon completion of 10 years of service with the Village in a position covered by the Agreement, employees shall be paid longevity pay with each paycheck as reflected in Appendices A and B.

**Section 13.3. Retroactivity.** Increases shall be retroactive to the dates shown above and be applicable to all salary related items. Increases shall be applicable to all persons on the payroll at any time from and after April 1, 2011. Employees shall receive retroactive paychecks within thirty (30) days of the execution of this Agreement or as soon as reasonably possible.

**Section 13.4. Tuition Reimbursement.** Subject to budgeted funds being made available in the Department's budget, the Village shall, upon prior request and approval, provide reimbursement for costs for tuition, course fees, and books for an employee taking courses in accredited programs in accredited institutions of higher education, subject to the following provisions:

1. The course shall be a necessary credit towards a job related degree or the course shall be job related.
2. The employee must request the approval of the Fire Chief prior to November 1 for any courses to be taken in the following fiscal year and such a request shall not be unreasonably denied.
3. The course must be completed and the employee must receive a grade of at least:
  - (a) C in an alphabetical system;
  - (b) 70 out of 100 in a numeric system;
  - (c) Pass in pass/fail system.
4. The employee must still be actively employed at the time of completion of the course.
5. Tuition reimbursement shall not exceed the cost of tuition to take the same course or program at a public college or university.
6. The employee shall be reimbursed within a reasonable period of time after completing the approved course with the requisite grade.

7. If an employee voluntarily leaves the Village within two (2) years of the time of reimbursement, the employee must pay back the Village for the reimbursement.

**Section 13.5. Reimbursement for Expenses.** (a) A "Travel Request Form" must be submitted for special events and training and travel that requires an overnight stay and/or travel beyond the Chicago metropolitan area. The mode of transportation shall be the least expensive and most practical. If such travel is by automobile, a Village vehicle shall be used if available before a personal vehicle is used. Reimbursement for expenses, including a mileage allowance for use of a personal vehicle, to travel to special events or training shall only be allowed when accompanied by a pre-approved "Travel Request Form."

(b) Reimbursement for the approved use of personal vehicles as provided above, as well as in situations where employees have obtained the prior approval from the Chief or Deputy Chief to use their personal vehicles for Fire Department business in the course of performing their duties while on shift, shall be paid in accordance with the current Internal Revenue Service allowance for mileage. Employees traveling from home to preapproved events or training within the Chicago metropolitan area that occur outside their scheduled 24-hour shifts shall receive the current Internal Revenue Service mileage allowance based on the distance from the Village of Winnetka Fire Station to the site of the event or training and the return from said site to the Fire Station.

**Section 13.6. Firefighter and Paramedic Training.** (a) For all job related training (including but not limited to training for required recertification or relicensing) required or approved by the Village before or beyond an employee's 24-hour duty shift, an employee shall be paid one and one-half times his/her hourly rate of pay, which shall be calculated by dividing the employee's annual base salary (including any longevity pay) by 2,600. Time spent by special team members for training shall include necessary and reasonable preparation time and cleanup time. The Village shall pay for the cost of all such required or approved training, including both tuition and expenses for books and materials. Travel expenses for such training shall be in accordance with the provisions of Section 13.5 (Reimbursement of Expenses).

(b) Employees may temporarily be assigned to a non-24-hour shift schedule for the purpose of required or approved job related training. Non-24-hour shift schedules shall be based on eight (8) hour work days and shall be scheduled in accordance with the examples of one and two week non-24-hour shift schedules that are attached as Appendix C, which is attached hereto and made a part hereof. An employee's base salary (including any longevity pay) shall not be changed or altered as a result of temporarily being assigned to a non-24-hour shift schedule. Except for a hireback, a standby or a recall as a provided in Section 6.8 (Distribution of Hirebacks and Holdovers), no overtime shall be paid to any employee who is temporarily assigned to a non-24-hour shift schedule.

(c) The training of probationary firefighter recruits prior to Firefighter II certification shall not be covered by the provisions of this Section. For such probationary firefighters, the practices and policies in effect on June 1, 2000 concerning the scheduling and compensation of probationary firefighter recruits shall be maintained. Probationary firefighters upon receiving Firefighter II certification shall be covered by subparagraphs (a) and (b) above.

(d) The taking of courses in accredited programs at accredited institutions of higher education is covered by Section 13.5 (Tuition Reimbursement) and is not covered by any of the provisions of this Section.

**Section 13.7. Uniforms and Equipment.** The Village shall purchase and issue all uniform and turnout items required by Fire Department regulations. A Quartermaster shall be appointed by the Chief to regulate and maintain the Department's uniform and turnout equipment system.

New employees shall receive a full complement of uniforms and turnout equipment upon being hired. After initial uniform and turnout equipment issuance, replacement items will be issued for torn, damaged or worn items on an exchange basis as approved by the Quartermaster. Any employee who does not turn in torn, worn out/damaged uniform and equipment items shall be required to pay for the replacement; provided that if an employee is able to establish to the reasonable satisfaction of the Quartermaster that a uniform or equipment item has been lost or stolen due to circumstances beyond the employee's reasonable control, the employee shall not be required to pay for the replacement. It is understood that equipment items may be appropriately repaired rather than replaced if it is reasonable to repair the item. If the Village chooses to change a uniform or turnout item, the replacement shall be at the discretion and expense of the Village.

Employees shall maintain their equipment and uniforms in a serviceable and neat-appearing manner. No portion of the uniform shall be worn off duty except to and from work. The daily work clothes, or uniform of the day, shall be as prescribed by the Fire Chief, or his designee (usually the Shift Commander). Upon separation from service, all badges, identification, turnout gear, and equipment purchased by the Village shall be returned to the Village; all uniform or turnout items purchased by third parties shall be returned to such third parties upon request by the third party.

The uniform issue items and turnout issue items currently provided by the Village are as follows:

**UNIFORM ISSUE ITEMS**

- One dress blouse
- One pair dress trousers
- Four long sleeve shirts
- Four short sleeve knit shirts
- Four pair work pants
- One dress cap with accessories
- One summer/winter coat
- One sweater with logo
- Four T-shirts with logo
- One pair steel toe work shoes or boots
- One belt
- Two name tags
- Two badges

- Two sets of collar insignias (officers)
- One collar insignia (paramedics)
- One tie
- One navy watch cap
- One sweat shirt with logo
- One pair sweat pants with logo

**TURNOUT ISSUE ITEMS**

- One protective turnout coat
- One pair of protective turnout pants
- One helmet with face shield or goggles
- One Nomex hood
- Two pair leather gloves (effective upon ratification of Agreement by both parties)
- One pair turnout boots
- One SCBA face piece
- One flashlight
- One PASS device

The Village shall not be responsible for the repair or replacement of any uniform or turnout items provided by a funding source other than the Village (e.g., foreign fire tax funds), the use of which has been approved by the Fire Chief.

Effective with the first paycheck in January 2011 (and with the first paycheck in each January thereafter), each employee will be paid a uniform and maintenance allowance of \$325.

**Section 13.8. Retirement Bonus.** The parties agree that upon retirement, any employee retiring from the Village’s Fire Department during the term of this Agreement who has the minimum number of years of service as set forth below will receive the following retirement bonus:

<u>Years of Service</u>	-	<u>Retirement Bonus</u>
25 years or more	-	1 month’s regular salary
20-24 years	-	75% of 1 month’s regular salary
15-19 years	-	50% of 1 month’s regular salary

For the purposes of this Section, the term “regular salary” shall include longevity pay.

**Section 13.9. Deferred Compensation.** The employees covered by this Agreement shall be eligible to participate in any deferred compensation program that the Village may establish on the same terms and conditions that are applicable to Village employees generally. Visits by representatives shall be arranged and scheduled in accordance with Village policy.

**Section 13.10. Acting Pay.** Effective the first full pay period following ratification of the parties’ 2009-2011 collective bargaining agreement, a firefighter who is assigned to perform the

duties of shift lieutenant or a lieutenant who is assigned to perform the duties of a captain for six hours but less than twelve hours shall be paid one-half hour of overtime pay and for more than twelve hours shall be paid one hour of overtime pay. Effective April 1, 2012, a firefighter who is assigned to perform the duties of shift lieutenant or a lieutenant who is assigned to perform the duties of a captain for six hours but less than twelve hours shall be paid one hour of straight time pay and for more than twelve hours shall be paid two hours of straight time pay.

The selection of a firefighter to serve as an acting lieutenant shall be done in the following priority order:

1. A firefighter who is on the current promotional list for the rank of Lieutenant, and in the case of two (2) or more are on the list, then the firefighter higher on the list; next
2. A firefighter certified as a provisional Fire Officer I; next
3. A firefighter determined by the Shift Commander to be qualified to serve as an acting lieutenant.

The selection of a lieutenant to serve as an acting captain shall be done in the following priority order:

1. A lieutenant who is on the current promotional list for the rank of Captain, and in the case of two (2) or more are on the list, then the lieutenant higher on the list; next
2. A lieutenant certified as a provisional Fire Officer II; next
3. A lieutenant determined by the Fire Chief or designee to be qualified to serve as an acting captain.

If there is a duty trade between a lieutenant and a captain, no acting pay shall be paid when the lieutenant works for the captain as part of the duty

Section 13.11. Preceptor Pay. The Village shall establish a Paramedic preceptor Program to provide a mentoring relationship between a paramedic student and established firemedics. The Preceptor is to provide to the student the assistance necessary to develop the knowledge and skills to the level at which the student is capable of operating as a Paramedic in the St. Francis EMS System.

1. **Qualifications:** Preceptors must be a firemedic in good standing within the St. Francis EMS System, and must have a minimum of two years of such standing with the Winnetka Fire Department. Preceptors must also possess at least one of the following certifications: (1) Advanced Cardiac Life Support; (2) Pediatric Advanced Life Support.
2. **Requirements:** The Preceptor must (1) complete the St. Francis EMS System preceptor orientation program, (2) meet all System and Departmental reporting and

riding requirements, and (3) maintain the mentoring relationship from assignment to a student through the student's successful completion of the State licensure exam.

3. Stipend: Only the firemedic assigned as the main paramedic preceptor shall receive a one-time stipend of \$350 for each paramedic precepted. Only one stipend will be paid per student precepted.

**ARTICLE XIV**  
**LABOR-MANAGEMENT COMMITTEE**

**Section 14.1. Labor-Management Committee.** At the request of either party, the Chief Association Representative (as determined by the Association) and the Village Manager or their designees may meet quarterly (or more frequently if both chief representatives mutually agree) to discuss matters of mutual concern that do not involve negotiations. The Chief Association Representative may invite other Association representatives(not to exceed two) to attend such meetings. The Village Manager or designee may invite other Village representatives (not to exceed two) to attend such meetings. The party requesting the meeting shall submit a written agenda of the items it wishes to discuss at least five(5) days prior to the date of the meeting if requested by the other party. If either party is going to have as a representative someone other than a Village employee in attendance at any Labor-Management Committee meeting, such party shall advise the other party of the name of such non-Village employee at least five (5) days prior to the date of meeting; if the other party thereafter decides to have a non-Village employee be a representative at such meeting, it shall notify the other party of the name of such non-Village employee at least two (2) days prior to the date of the meeting. Employees scheduled to work will notify the Fire Chief prior to their attendance at a meeting and if such attendance is approved, the employee will be permitted to attend the meeting during his regular hours of work with no loss of pay.

A Labor-Management Committee meeting shall not be used for the purpose of discussing any matter that is being processed pursuant to the grievance procedure set forth in this Agreement or for the purpose of seeking to negotiate changes or additions to this Agreement.

**ARTICLE XV**  
**MISCELLANEOUS PROVISIONS**

**Section 15.1. Discipline.** Disciplinary actions by the Village against non-probationary employees shall be for reasons based upon the employee's failure to fulfill responsibilities as an employee, including off-duty conduct where such conduct adversely affects the employee's performance of his work duties or adversely affects the Department's reputation or effectiveness in the community.

The contractual grievance and arbitration procedure shall be the sole recourse for non-probationary employees to appeal such disciplinary action and shall be in lieu of the provisions of the Board of Fire and Police Commissioners Act and disciplinary proceedings before the Village of Winnetka Board of Fire and Police Commissioners.

**Section 15.2. Association Representation.** An employee has the right, upon request, to the presence, assistance of and consultation with a reasonably available Association representative when questioned by the Village, if the employee reasonably believes that such questioning may lead to discipline, suspension or discharge. The presence of an Association representative shall not interfere with the Village's questioning or with the employee's obligation to respond to questions relevant to the matter being investigated.

**Section 15.3. Amendment.** This Agreement may be amended or modified during its term only with the mutual written consent of both parties.

**Section 15.4. Gender.** Wherever the male gender or female gender is used in this Agreement, it shall be considered to include both males and females equally unless the context clearly provides otherwise.

**Section 15.5. Light Duty.** The Village may require an employee who is on a duty-related injury or illness leave and not on a disability pension to return to work in an available light duty assignment in the Fire Department that the employee is qualified to perform, provided the Village's physician has reasonably determined that the employee is medically able to perform the light duty assignment in question without significant risk that such return to work will aggravate any pre-existing medical condition and that there is a reasonable expectation that the employee will be able to assume full duties and responsibilities within six months.

An employee who is on a non-duty-related injury or illness leave and not on a disability pension has the right to request that he be placed in an available light duty assignment in the Fire Department that the employee is qualified to perform and such a request shall not unreasonably be denied, provided that the Village's physician has reasonably determined that the employee is medically able to perform the light duty assignment in question without significant risk that such return to work will aggravate any pre-existing medical condition and that there is a reasonable expectation that the employee will be able to assume full duties and responsibilities within six months.

The normal hours of work for an employee with a light duty assignment shall be between 8:30 a.m. and 5:00 p.m., Monday through Friday, with a one hour lunch period. When an

employee is performing light duty assignments under this Section, the employee shall continue to receive his/her regular compensation and benefits.

The provisions of Section 15.8 (Fitness Examinations) shall be applicable if an employee disputes the determination of the Village's physician under any of the provisions of this Agreement.

If an employee returns to work in a light duty assignment and the employee is unable to assume full duties and responsibilities within six months thereafter, the Village retains the right to end the light duty assignment.

Nothing herein shall be construed to require the Village to create light duty assignments for an employee. Employees will only be assigned to light duty assignments when the Village reasonably determines that the need exists and only as long as such need exists.

Both parties agree that nothing herein shall be construed to either expand or contract the provisions of the Public Employee Disability Act, 5 ILCS 345; provided, however, that if an employee was receiving benefits under said Act immediately prior to returning to work on a light duty assignment, the period of time that an employee works in a light duty assignment tolls the running of the twelve (12) month period of benefits under said Act.

Section 15.6. No Solicitation. While the Village acknowledges that the Union may be conducting solicitation of Winnetka merchants, residents or citizens, the Union agrees that none of its officers, agents or members will solicit any person or entity for contributions on behalf of the Winnetka Fire Department or the Village.

The Union agrees that the Village name, shield or insignia, communications systems, supplies and materials will not be used for solicitation purposes. Solicitation by bargaining unit employees may not be done on work time. The Union may not use the words "Winnetka Fire Department" in its name.

The foregoing shall not be construed as a prohibition of lawful solicitation efforts by the Union directed to the general public, nor shall it limit the Village's right to make public comments concerning solicitation.

Section 15.7. Fitness Examinations. If there is any reasonable question concerning an employee's fitness for duty, fitness to return to duty following a layoff, or unpaid leave of absence in excess of sixty (60) days, the Village may require, at its expense, that the employee have an examination by a qualified and licensed medical professional in the appropriate specialty and/or subspecialty who is selected by the Village. The foregoing requirement shall be in addition to the requirement in Section 10.2 (Request for Sick Leave) that an employee provide at his own expense a statement from his doctor upon returning from sick leave or disability leave. If the employee is currently in on-duty status or is on a paid leave of absence, the fitness examination that may be directed by the Village will be scheduled while the employee is on duty or while the employee is on paid leave. If the employee is on an unpaid leave of absence, the employee will be considered in nonduty/nonpay status for the purpose of such examination.

Where the Village directs an employee to be examined, the employee shall have the right of being examined at his own expense (with the understanding that some or all of such expense may be covered by the employee's health insurance) by a medical professional of his own choosing who is qualified and licensed in the appropriate specialty and/or subspecialty. If there is a difference of opinion between the Village's medical professional and the employee's medical professional and the Village does not accept the opinion of the employee's medical professional, the employee shall be directed to obtain the opinion of a third medical professional of equivalent qualifications who shall be jointly selected by the Village's medical professional and the employee's medical professional. The fees and expenses of the third medical professional shall be split by the Village and the employee (with the understanding that some or all of the employee's expense may be covered by the employee's health insurance). In such event, the decision of the third medical professional shall determine the employee's fitness for duty and such determination, if reasonably definitive, shall not be subject to the grievance and arbitration procedure specified in this Agreement.

Section 15.8. Americans with Disabilities Act. It is agreed that the Village has the right to take any action needed to be in compliance with the requirements of the Americans with Disabilities Act, provided such action does not conflict with any other provisions of this Agreement.

Section 15.9. Drug and Alcohol Testing.

A. Reasonable Suspicion Testing. The Fire Chief, Deputy Fire Chief or, in their absence, the Shift Commander may require an employee to submit to a urine and/or blood test where there is reasonable, individualized suspicion of improper drug or alcohol use. In addition, in the case of an apparatus accident involving a serious personal injury or death, the apparatus driver may be required to submit to drug and alcohol testing. At the time of the order to take the test, the Fire Chief, Deputy Fire Chief or the Shift Commander, as the case may be, shall provide an employee who is ordered to submit to any such test with a written statement of the facts upon which the reasonable suspicion is based. Refusal to submit to such testing shall be subject to discipline up to and including discharge.

Reasonable individualized suspicion shall be defined as: Observable phenomena, such as direct observation of use and/or physical symptoms resulting from using or being under the influence of alcohol or controlled substances (e.g., the aroma of alcoholic beverage or controlled substance, and/or uncoordinated physical actions inconsistent with previously observed skill levels). A hunch or other such subjective opinion shall not be considered reasonable.

If an employee is going to be ordered to submit to a reasonable suspicion test, the employee may request that an on duty Union representative be present at the time the order is given to the employee. If there is no on duty Union representative, the employee may request that another employee be present.

B. Random Testing. The Village may conduct random drug and alcohol testing up to three times per calendar year. The pool used to randomly select employees to be tested shall include all sworn members of the Winnetka Fire Department, as well as the Village Manager (i.e., all bargaining unit employees, plus the Fire Chief, Deputy Fire Chief, and Village

Manager). The total number from the pool who are randomly tested per calendar year shall not exceed six (6). Such tests shall only be conducted on Mondays through Fridays between the hours of 8:00 A.M. and 3:30 P.M. There shall be no random testing on holidays. Refusal to submit to such testing shall be subject to discipline up to and including discharge.

C. Procedures. The Village shall use the offices of Occupational Medicine Evanston Glenbrook Associates (OMEGA), which is certified by the State of Illinois to perform drug and/or alcohol testing for such testing and shall be responsible for maintaining the identity and integrity of the sample. The Village shall also use the services of a Medical Review Officer (MRO) from OMEGA. The passing of urine will not be directly witnessed unless there is reasonable suspicion to believe that the employee may tamper with the testing procedure. If the first test results in a positive finding based upon the applicable cutoff standards, a GC/MS confirmatory test shall be conducted on the same sample. An initial positive screening test result shall not be reported or submitted to the Village; only GC/MS confirmatory test results will be reported to the Village Manager and/or designee. The employee will be provided with a copy of any test results that the Village receives. A portion of the test sample, if positive, shall be retained by the laboratory for six months so that the employee may arrange for another confirmatory test (GC/MS) to be conducted by a laboratory certified by the State of Illinois to perform drug and/or alcohol testing of the employee's choosing and at the employee's expense. Where the employee requests another confirmatory test, the original testing laboratory shall directly transfer the test sample to the certified laboratory of the employee's choice.

D. Cutoff Standards. The cutoff standard for determination of a positive finding of alcohol shall be at a blood alcohol level of .04 or more. The cutoff standards for the determination of a positive finding of drugs shall be:

SUBSTANCE	INITIAL TEST LEVEL	GC/MS CONFIRM TEST LEVEL
Amphetamines	1000 ng/ml	500 ng/mL
Barbiturates	300 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	200 ng/mL
Cocaine metabolites	300 ng/mL	150 ng/mL
Marijuana metabolites	50 ng/mL	15 ng/mL
Methadone	300 ng/mL	300 ng/mL
Methaqualone	300 ng/mL	300 ng/mL
Opiates	2000 ng/mL	2000 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL

Test results below the foregoing cutoff standards shall be considered negative.

E. Prohibitions. The illegal use, sale or possession of proscribed drugs at any time while employed by the Village, as well as abusing prescription drugs, being under the influence of alcohol or consuming alcohol while on duty, may be cause for discipline up to and including termination. Nothing herein shall be construed to prevent an employee from asserting, or the

Village or an arbitrator considering, that there should be treatment in lieu of discipline in any proceeding.

F. Test Results. (a) Negative Results. If the test results are negative, the employee shall be compensated for all time attributable to the order to take the test and for all time attributable to the testing, including compensation at the appropriate overtime rate for all necessary time in excess of the employee's work schedule.

(b) Positive Results. If the test results are positive for alcohol or for any controlled substance, the employee shall not be compensated for any time attributable to the test.

G. Handling of First Positive Test Results. If an employee tests positive for either drugs and/or alcohol as a result of random testing or reasonable suspicion testing, the employee shall be permitted to return to work as soon as possible after a positive test finding, provided the employee must undergo a return to work alcohol or controlled substance test for which the employee will not be compensated, and provided the results of any such test are negative. Such employee shall be referred to the Employee Assistance Program for evaluation and therapeutic referral. A referred employee shall have the right to evaluation and a program of therapy by an agency not connected with the Village, provided it has personnel trained in the handling and treatment of drug and alcohol abuse and it has been approved by the Village, which approval shall not be unreasonably withheld. The costs of either the Village EAP or in an outside program shall be paid by the Village to the extent such costs are covered by the Village's health insurance program. If an employee refuses such referral, or upon referral, refuses to participate in recommended therapy, discipline may be imposed up to and including discharge. While no discipline will be imposed as long as the referred employee is pursuing in good faith any recommended therapy, the employee will be subject to follow-up testing during the period of therapy in accordance with the following:

- The number or frequency of follow-up tests, which shall be while on duty, shall be as directed and may consist of up to six tests in the first twelve (12) months following an employee's return to work.
- Follow-up testing shall not exceed twelve (12) months from the date of the employee's return to work.

If the employee tests positive a second time, either during the therapy period or thereafter, the employee may be subject to discipline up to and including discharge.

H. Employee Assistance Program. Voluntary requests for assistance with drug and/or alcohol problems shall be held strictly confidential by the Employee Assistance Program, and the Fire Chief, Deputy Fire Chief, Village Manager, and the EAP Administrator shall be the only Village employees informed of any such request or of any treatment that may be given and they shall hold such information strictly confidential.

Section 15.10. Outside Employment. While off duty, employees shall be permitted to engage in outside employment, including self employment, provided that such does not interfere with the employee's work duties in the Department or result in a conflict of interest.

**Section 15.11. Physical Fitness Program.** The Village and the Association may establish a reasonable physical fitness program that may include individualized and department goals, including cardiovascular fitness and general flexibility. A joint Physical Fitness Committee shall be formed to establish the program; such Committee shall consist of not more than three Village selected representatives and not more than three Association selected representatives. While employees may be required to participate in any such program while on duty, no employee will be disciplined for failure to meet any goals that may be established, as long as the employee makes a good faith effort to meet any such goals and is able to meet reasonable minimum job-related physical fitness standards as established by the Village. Before any new program is implemented, the Village shall review and discuss the program at a meeting of the Labor-Management Committee.

**Section 15.12. Eye Glass Replacement.** Purchase of safety glasses (including, but not limited to, prescription safety glasses, if needed) shall be provided from a vendor selected by the Village to those employees whose job assignments present a hazard to their eyes. After initial issue of safety glasses to an employee, replacement glasses shall be provided on an as needed basis (i.e., prescription change, broken or damaged lens, etc.), but limited to one pair of glasses per year. Repairs to safety glasses shall be made on an as needed basis. Replacement of lost or stolen glasses shall be the responsibility of the employee.

**Section 15.13. Inoculations.** The Village shall provide, at Village expense, a Hepatitis B Virus (HBV) Inoculation Series to any employee wishing to be inoculated. The Village shall offer such inoculation to every new employee. Additionally, the Village shall provide verification test of successful inoculation to any employee that received the inoculation series, and any additional inoculations necessary. The Village shall provide, at its expense, such further prophylactic inoculations as determined to be necessary or appropriate by the parties or the Project Medical Director of the system covering the Winnetka Fire Department.

**Section 15.14. Communicable Diseases.** Upon notification that an employee is significantly exposed in the course of duty to the risk of transmission of disease, as defined by the U.S. Center for Disease Control, from a person determined to have a disease process of a contagious or infectious nature, the employee shall immediately be notified of such by the Village. The costs for any related medical examination and/or other diagnostic tests, and/or screening, and/or prophylactic treatment shall be paid by the Village. Costs for any treatment shall be paid in accordance with either Workers Compensation or Occupational Disease laws or the employee's health plan, whichever is applicable.

**Section 15.15. Use of Village Telephones and Shop Privileges.** Employees shall continue to have access to Village telephones at the Fire Station and to have "shop privileges" for personal reasons subject to reasonable limits as determined by the Fire Chief or his designee.

**Section 15.16. Association Insignia.** Employees may wear one official Association insignia for the sole purpose of identifying the Association's affiliation(s), a copy of which is attached as Appendix D, which is attached hereto and made a part hereof, on the left breast pocket of their work shirts and dress blouses. Such insignia shall be a pin not larger than the size of a quarter. Except as provided above, employees shall not wear Association insignia on

Village provided uniforms (either work or dress) or place any Association or Association-related insignia or stickers on Village property or equipment.

**Section 15.17. Subcontracting.** No bargaining unit employee shall be laid off as a result of any decision by the Village to subcontract any work performed by employees covered by this Agreement. Notwithstanding the foregoing, basic fire suppression work and emergency medical services shall not be subcontracted, provided that this provision shall not be applicable to any mutual aid agreements that the Village has or may have with other fire departments or if there is a violation of Article V, Section 5.1 (No Strike) of this Agreement.

**Section 15.18. Residency.** Except for a requirement that bargaining unit employees must reside in the State of Illinois, there shall be no residency requirement for bargaining unit employees.

**Section 15.19. Fire Department Medical/Physical Program.** The Village will continue the Fire Department's medical/physical program.

**Section 15.20. Administrative Lieutenant.** The following provisions shall govern the sworn position of administrative lieutenant:

1. **Job Description:** In addition to the job duties set forth in the job description for shift lieutenants, the administrative lieutenant position shall also have fire prevention and administrative duties, and other duties as assigned by the Fire Chief or his designee.
2. **Initial Selection of Administrative Lieutenant.** The first employee to be assigned as the administrative lieutenant shall be the next employee on the current lieutenant's promotion list. If a permanent position for a shift lieutenant thereafter becomes available, the administrative lieutenant shall have the right to be reassigned to such position.
3. **Subsequent Selection of Administrative Lieutenant:** If the administrative lieutenant position becomes vacant and the Village decides to fill it, it shall first be offered to the next employee on the current lieutenant's promotion list. If the next person on the list does not want to take the administrative lieutenant position, it shall be offered to the two shift lieutenants in the order of their seniority. If neither of the two shift lieutenants qualifies for the administrative lieutenant position as determined by the Fire Chief and is willing to accept the position, then the next person on the current promotion list will be assigned the administrative lieutenant position.
4. **Normal Work Week:** The normal work week for the administrative lieutenant shall be 40 hours as assigned by the Fire Chief.
5. **Salary:** The annual salary of the administrative lieutenant shall be based on the annual salary that he would be paid as a shift lieutenant, plus sixty-one (61) hours of overtime pay computed on the overtime rate for shift lieutenants.

6. Administrative Overtime: If an administrative lieutenant is assigned overtime for the performance of his duties as the administrative lieutenant, the applicable overtime rate shall be based on an annual work year of 2,080 hours.
7. Shift Overtime: The administrative lieutenant shall be eligible for shift overtime on evenings, weekends, and holidays in accordance with the contractual overtime assignment policies. If the administrative lieutenant works shift overtime, he shall be paid at the same overtime rate that he would have been paid if he was shift lieutenant, i.e., the applicable overtime rate shall be based on an annual work year of 2,600 hours.
8. Assignment as Shift Lieutenant: The administrative lieutenant may be reassigned as a shift lieutenant if needed by the Department as determined by the Fire Chief (e.g., long term sickness or injury, retirement, etc.).
9. Sick Leave: The number of hours of sick leave that the employee has accumulated as of the date of his assignment to the administrative lieutenant position will be frozen and he will accumulate sick leave hours while in the administrative lieutenant position on the same basis as the Village's 40-hour employees.
10. Paid Time Off: Paid time off shall be as follows:
  - (a) Holidays and personal days shall be the same as established for the Village's 40-hour employees (currently 7 holidays and 5 personal days).
  - (b) Vacation will be the same as established for the Village's 40-hour employees.
  - (c) No FLSA days unless reassigned to a shift for an extended period of time (will apply pro rata for 28-day cycles).
11. Relationship to Collective Bargaining Agreement: If there is any conflict or inconsistency between the provisions of this Section 15.20 and the remaining provisions of this Collective Bargaining Agreement, the provisions of this Section 15.20 shall govern and control.

**ARTICLE XVI**  
**STATUTORY RIGHTS**

**Section 16.1. Bill of Rights.** The Village shall abide by the lawful requirements of the “Firemen’s Disciplinary Act”, 50 ILCS 745/1 et seq., as amended.

**Section 16.2. Personnel Files.** The Village shall abide by the lawful requirements of the “Personnel Records Review Act”, 820 ILCS 40/1 et seq., as amended.

**Section 16.3. Public Safety Employee Benefits.** The Village shall abide by the lawful requirements of the “Public Safety Employee Benefits Act”, 820 ILCS 320/1 et seq., as amended.

**Section 16.4. Workers’ Compensation, Occupational Disease and Disability.** The Village shall abide by the lawful requirements of the “Workers’ Compensation Act”, 820 ILCS 305/1 et seq., as amended, the lawful requirements of the “Workers’ Occupational Diseases Act”, 820 ILCS-310/1 et seq., as amended, and the lawful requirements of the “Public Employee Disability Act”, 5 ILCS 345/1 et seq., as amended.

**Section 16.5. Non-Discrimination.** Neither the Village nor the Association shall discriminate against any employee covered by this Agreement in a manner which would violate federal or state laws on the basis of race, creed, color, religion, sex, marital status, age, national origin, political affiliation and/or beliefs, mental and/or physical handicap, and union activities or non-union activities.

**Section 16.6. Access to Arbitration.** Any alleged violation of any of the above Sections of this Article may not be taken to the Arbitration step of the grievance procedure without the specific written agreement of the Village

**ARTICLE XVII**  
**PROMOTIONS**

**Section 17.1. General.** Promotions to the ranks of Lieutenant and Captain shall be in accordance with the provisions of this Article. All vacancies to the ranks of Lieutenant and Captain shall be filled by promotion on the basis of examination, merit, subjective evaluations, seniority and eligibility for additional points. The examination process for promotion to the rank of Lieutenant shall be competitive among employees in the rank of Firefighter who meet the eligibility requirements set forth in Section 17. 2 below and desire to submit themselves to such process. The examination process for promotion to the rank of Captain shall be competitive among employees in the rank of Lieutenant who meet the eligibility requirements set forth in Section 17. 2 below and desire to submit themselves to such process.

**Section 17.2. Eligibility Requirements.** Members of the bargaining unit shall be eligible to participate in the process for promotion to Lieutenant if they (1) have a minimum of thirty (30) months seniority pursuant to Section 7.1, and (2) are State certified as Firefighter III.

Members of the bargaining unit shall be eligible to participate in the process for promotion to Captain if they (1) have served a minimum of one (1) year as a full-time Lieutenant in the Winnetka Fire Department, and (2) are State certified as Fire Officer I.

Anniversaries of service that affect eligibility will be deemed to occur on the date on which the written exam is given.

**Section 17.3. Components of the Promotional Process and the Weighting of Components.** The placement of eligible candidates on a Lieutenant or Captain promotion list shall be based on the points achieved by the candidate on each of the following components:

<b><u>Component</u></b>	<b><u>Percentage Weighting</u></b>
Written examination	45%
Officer's Rating	20%
Assessment Center	30%
Seniority (pursuant to Section 7.1)	5%
Upon completion of 3 years, 1%	
Upon completion of 4 years, 2%	
Upon completion of 5 years, 3%	
Upon completion of 6 years, 4%	
Upon completion of 7 years, 5%	

Each eligible candidate shall be entitled to participate in all components of the promotional process. If a candidate wishes to withdraw from the promotional process before the completion of all components of the promotional process, the candidate in writing shall so advise the appointing authority as designated in writing by the Village Manager.

The written examination shall be administered after all the other components have been administered and graded. The subject matter of the written examination shall job related and fairly test the capacity of the candidate to discharge the duties of a Lieutenant or Captain,

whichever is applicable. The written examination shall be developed by an independent outside agency and shall have been independently validated. The examination shall be based only on the contents of written materials that the Fire Chief has identified as being appropriate for promotion to the applicable rank in the Winnetka Fire Department and made available to potential examinees at least 90 days before the examination is administered. The written examination will be graded on a scale of 0 (i.e., no questions answered correctly) to 100 (i.e., all questions answered correctly). At the completion of the written examination, candidates shall have the right to obtain their individual scores and review the answers to the examination that are considered to be correct.

**Section 17.4. Scoring of Components and Posting of Preliminary Promotion List.** The scores for each component of the promotional process shall be disclosed to each candidate as soon as practicable after the component is completed. Once all candidates have completed all components of the promotional process, the scores for all components for each candidate shall be tallied and a preliminary promotion list shall be prepared by the appointing authority as designated in writing by the Village Manager. Candidates shall be ranked on the preliminary promotion list in rank order based on the highest to the lowest points scored on all components of the promotional process. This preliminary promotion list shall then be posted on the bulletin board at each fire station.

**Section 17.5. Additional Points and Posting of Final Promotion List.** A candidate on the preliminary promotion list who is eligible for additional points as hereinafter provided may file a written application within 10 days after the initial posting of the preliminary promotion list. If requested, additional points shall be awarded as follows:

- Provisional certification as a Fire Officer I -- 3 points (only applicable to the Lieutenant promotional process)
- Provisional certification as a Fire Officer II -- 3 points (only applicable to the Captain promotional process)
- Associate's Degree in Fire Science or any Bachelor's degree from an accredited college or university -- 3 points
- Veteran's preference points -- 3 points

Although an employee may be eligible for more than one of the foregoing, the maximum number of additional percentage points that will be award under this Section 17.5 is three (3).

The appointing authority as designated by the Village Manager in writing shall then make adjustments to the rank order on the preliminary promotion list based on any additional points that have been awarded. The final promotion list shall then be posted on the bulletin board at each fire station listing in rank order from highest to lowest the scores of all candidates whose scores for all components of the promotional process and additional points, if any, are 75 or better.

**Section 17.6. Vacancy and Order of Selection.** A vacancy in the rank of Lieutenant or Captain shall be deemed to occur on the date upon which the position is vacated, and on that

same date, a vacancy shall occur in all ranks inferior to that rank, provided that the position or positions continue to be funded by the Village Board of Trustees and the Village Manager has authorized to be filled. When there is a vacant or newly created position in the rank of Lieutenant or Captain that the Village Board of Trustees has funded and the Village Manager has authorized to be filled, the Fire Chief shall appoint the person with the highest ranking on the final applicable promotional list, except that the Fire Chief shall have the right to pass over that person if the Fire Chief has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the rank in question. If the ranking person is passed over, the Fire Chief shall document the reasons for the decision and shall so advise the person passed over. Unless the reason for passing over the highest ranking person on the list at the time of the vacancy is not remediable, no such person shall be passed over more than once. If there is a dispute over the selection of the second highest ranked person, the highest ranked person may file a grievance in accordance with the provisions of the grievance and arbitration procedure set forth in Article IV of this Agreement; provided, however, any such grievance must be filed within seven (7) calendar days of the date the employee is advised of the Fire Chief's reason for passing him/her over.

Any candidate may refuse a promotion once without losing his or her position on the final promotional list. Any candidate who refuses a promotion a second time shall be removed from the final promotion list, provided that such action shall not prejudice a person's opportunity to participate in future promotional processes.

Section 17.7. Duration of Final Promotion List. A final promotion list shall be effective for a period of three (3) years from the date of its posting or the date that the list is exhausted, whichever occurs earlier. If a vacated Lieutenant or Captain position is not filled due to the lack of funding or authorization and is subsequently reinstated (i.e., funded and authorized by the Village), the final promotion list shall be continued in effect until all Lieutenant or Captain position(s) that were vacated and not filled due to the lack of funding or authorization have been filled or for a period of three (3) years beginning from the date on which the applicable position was vacated, whichever occurs first. In such event, the candidate or candidates who would have otherwise been promoted when the vacancy originally occurred shall be promoted.

Section 17.8. Right of Review. Any individual participant in the promotional process who believes that an error has been made with respect to any section of this Article may file a grievance in accordance with the provisions of the grievance and arbitration procedure set forth in Article IV of this Agreement; provided, however, any such grievance must be filed within seven (7) calendar days of the date the final promotion list is posted. If a timely grievance is filed, the promotion shall be held in abeyance pending completion of the grievance process. During the pendency of any such grievance, the Fire Chief may assign an employee on a temporary basis to serve as acting Lieutenant or Captain, whichever is applicable, and such employee shall be paid on the basis of the first step of Lieutenant salary schedule or the first step of the Captain salary schedule, whichever is applicable.

Section 17.9. Precedence of Article. Pursuant to Section 10 (e) of the Fire Department Promotion Act and Section 15 of the Illinois Public Labor Relations Act, the provisions of this Article shall govern to process and procedure for promotion to the ranks of Lieutenant and

**Captain. If there is any conflict or inconsistency with either the Fire Department Promotion Act (P.A. 93-0411) or the rules and regulations of the Winnetka Board of Fire and Police Commissioners, the provisions of this Article shall be applicable.**

**ARTICLE XVIII**  
**SAVINGS CLAUSE**

**Section 18.1. Savings Clause.** If any provision of this Agreement, or the application of any such provision, should be rendered or declared invalid by any court or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect. The subject matter of such invalid provision shall be open for negotiations over a substitute for the invalidated Article, Section or portion thereof if requested by either party in writing within thirty (30) days after the date the Article, Section or portion thereof was invalidated.

**ARTICLE XIX**  
**ENTIRE AGREEMENT**

**Section 19.1. Entire Agreement.** The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the Village and the Union, for the duration of this Agreement, each waives the right, and each agrees that the other shall not be obligated, to bargain collectively with respect to any subject matter referred to or covered by the express language of this Agreement.

**APPENDIX A**

**SALARY SCHEDULE FOR EMPLOYEES HIRED BEFORE APRIL 1, 2012**

Percentage Change			1.50%	1.00%	1.25%	1.0%	1.50%	1.0%	1.75%
Steps	Firemedic	Base	4/1/11 To 3/31/12	4/1/12 To 9/30/12	10/1/12 To 3/31/13	4/1/13 To 9/30/13	10/1/13 To 3/31/14	4/1/14 To 9/30/14	10/1/14 To 3/31/15
Start	Start	\$60,092	\$60,993	\$61,603	\$62,373	\$62,997	\$63,942	\$64,581	\$65,711
A	6 - Months	\$64,022	\$64,982	\$65,632	\$66,452	\$67,117	\$68,124	\$68,805	\$70,009
B	18 - Months	\$67,950	\$68,969	\$69,659	\$70,530	\$71,235	\$72,304	\$73,027	\$74,305
C	30 - Months	\$72,046	\$73,127	\$73,858	\$74,781	\$75,529	\$76,662	\$77,429	\$78,784
D	36 - Months	\$75,884	\$77,022	\$77,792	\$78,764	\$79,552	\$80,745	\$81,552	\$82,979
E	48 - Months	\$79,724	\$80,920	\$81,729	\$82,751	\$83,579	\$84,833	\$85,681	\$87,180
F	10 - Years	\$82,038	\$83,269	\$84,102	\$85,153	\$86,005	\$87,295	\$88,168	\$89,711

Percentage Change			1.50%	1.00%	1.25%	1.0%	1.50%	1.0%	1.75%
Steps	Lieutenant Paramedic	Base	4/1/11 To 3/31/12	4/1/12 To 9/30/12	10/1/12 To 3/31/13	4/1/13 To 9/30/13	10/1/13 To 3/31/14	4/1/14 To 9/30/14	10/1/14 To 3/31/15
Start	Start	\$83,892	\$85,150	\$86,002	\$87,077	\$87,948	\$89,267	\$90,160	\$91,738
	Start w/10 Years	\$86,325	\$87,620	\$88,496	\$89,602	\$90,498	\$91,855	\$92,774	\$94,398
A	12 - Months	\$88,080	\$89,401	\$90,295	\$91,424	\$92,338	\$93,723	\$94,660	\$96,317
	12 Months w/10 Years	\$90,636	\$91,996	\$92,916	\$94,077	\$95,018	\$96,443	\$97,407	\$99,112
B	24 - Months	\$92,248	\$93,632	\$94,568	\$95,750	\$96,708	\$98,159	\$99,141	\$100,876
	24 Months w/10 Years	\$94,921	\$96,345	\$97,308	\$98,524	\$99,509	\$101,002	\$102,012	\$103,797

Percentage Change			1.50%	1.00%	1.25%	1.0%	1.50%	1.0%	1.75%
Steps	Captain Paramedic	Base	4/1/11 To 3/31/12	4/1/12 To 9/30/12	10/1/12 To 3/31/13	4/1/13 To 9/30/13	10/1/13 To 3/31/14	4/1/14 To 9/30/14	10/1/14 To 3/31/15
Start	Start	\$95,340	\$96,770	\$97,738	\$98,960	\$99,950	\$101,449	\$102,463	\$104,256
	Start w/10 Years	\$98,103	\$99,575	\$100,571	\$101,828	\$102,846	\$104,389	\$105,433	\$107,278
A	12 - Months	\$98,428	\$99,904	\$100,903	\$102,164	\$103,186	\$104,734	\$105,781	\$107,632
	12 Months w/10 Years	\$101,281	\$102,800	\$103,828	\$105,126	\$106,177	\$107,770	\$108,848	\$110,753
B	24 - Months	\$101,535	\$103,058	\$104,089	\$105,390	\$106,444	\$108,041	\$109,121	\$111,031
	24 Months w/10 Years	\$104,478	\$106,045	\$107,105	\$108,444	\$109,528	\$111,171	\$112,283	\$114,248

**APPENDIX B**

**SALARY SCHEDULE FOR EMPLOYEES HIRED ON OR AFTER APRIL 1, 2012**

Percentage Change			1.50%	1.00%	1.25%	1.0%	1.50%	1.0%	1.75%
Steps	Firemedic	Base	4/1/11	4/1/12	10/1/12	4/1/13	10/1/13	4/1/14	10/1/14
			To	To	To	To	To	To	
Start	Start	\$60,092	\$60,993	\$61,603	\$62,373	\$62,997	\$63,942	\$64,581	\$65,711
A	6 - Months	\$61,529	\$62,452	\$63,077	\$63,865	\$64,504	\$65,472	\$66,127	\$67,284
B	18 - Months	\$63,440	\$64,392	\$65,036	\$65,849	\$66,507	\$67,505	\$68,180	\$69,373
C	30 - Months	\$65,695	\$66,680	\$67,347	\$68,189	\$68,871	\$69,904	\$70,603	\$71,839
D	36 - Months	\$67,950	\$68,969	\$69,659	\$70,530	\$71,235	\$72,304	\$73,027	\$74,305
E	48 - Months	\$72,046	\$73,127	\$73,858	\$74,781	\$75,529	\$76,662	\$77,429	\$78,784
F	60 - Months	\$75,884	\$77,022	\$77,792	\$78,764	\$79,552	\$80,745	\$81,552	\$82,979
G	96 - Months	\$79,724	\$80,920	\$81,729	\$82,751	\$83,579	\$84,833	\$85,681	\$87,180
H	10 - Years	\$82,038	\$83,269	\$84,102	\$85,153	\$86,005	\$87,295	\$88,168	\$89,711

Percentage Change			1.50%	1.00%	1.25%	1.0%	1.50%	1.0%	1.75%
Steps	Lieutenant Paramedic	Base	4/1/11	4/1/12	10/1/12	4/1/13	10/1/13	4/1/14	10/1/14
			To	To	To	To	To	To	
Start	Start	\$83,892	\$85,150	\$86,002	\$87,077	\$87,948	\$89,267	\$90,160	\$91,738
	Start w/10 Years	\$86,325	\$87,620	\$88,496	\$89,602	\$90,498	\$91,855	\$92,774	\$94,398
A	12 - Months	\$88,080	\$89,401	\$90,295	\$91,424	\$92,338	\$93,723	\$94,660	\$96,317
	12 Months w/10 Years	\$90,636	\$91,996	\$92,916	\$94,077	\$95,018	\$96,443	\$97,407	\$99,112
B	24 - Months	\$92,248	\$93,632	\$94,568	\$95,750	\$96,708	\$98,159	\$99,141	\$100,876
	24 Months w/10 Years	\$94,921	\$96,345	\$97,308	\$98,524	\$99,509	\$101,002	\$102,012	\$103,797

Percentage Change			1.50%	1.00%	1.25%	1.0%	1.50%	1.0%	1.75%
Steps	Captain Paramedic	Base	4/1/11	4/1/12	10/1/12	4/1/13	10/1/13	4/1/14	10/1/14
			To	To	To	To	To	To	
Start	Start	\$95,340	\$96,770	\$97,738	\$98,960	\$99,950	\$101,449	\$102,463	\$104,256
	Start w/10 Years	\$98,103	\$99,575	\$100,571	\$101,828	\$102,846	\$104,389	\$105,433	\$107,278
A	12 - Months	\$98,428	\$99,904	\$100,903	\$102,164	\$103,186	\$104,734	\$105,781	\$107,632
	12 Months w/10 Years	\$101,281	\$102,800	\$103,828	\$105,126	\$106,177	\$107,770	\$108,848	\$110,753
B	24 - Months	\$101,535	\$103,058	\$104,089	\$105,390	\$106,444	\$108,041	\$109,121	\$111,031
	24 Months w/10 Years	\$104,478	\$106,045	\$107,105	\$108,444	\$109,528	\$111,171	\$112,283	\$114,248

## APPENDIX C

### One week Non 24 Hour Shift Schedule

For shift personnel working a schedule other than 24 hour shift and overtime

Friday Work Schedule							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Off 24	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24
Week 2	Off 24	Work 8 Off 16	Off 24				
Week 3	Off 12 hrs in AM Work 12 hrs in PM	Off 24	Off 24	Work 24	Off 24	Off 24	Work 24

Saturday Work Schedule							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Work 24	Off 24	Off 24	Work 24	Off 24	Off 24	Work 12 hrs in AM Off 12 hrs in PM
Week 2	Off 24	Work 8 Off 16	Off 24				
Week 3	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24	Off 24

Sunday Work Schedule - Employee Option 1							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24	Off 24
Week 2	Work 12 hrs in AM Off 12 hrs in PM	Work 8 Off 16	Off 24				
Week 3	Off 24	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24

Sunday Work Schedule - Employee Option 2							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24	Off 24
Week 2	Off 24	Work 8 Off 16	Off 12 hrs in AM Work 12 hrs in PM				
Week 3	Off 24	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24

**APPENDIX C - continued**

**Two week Non 24 Hour Shift Schedule**

For shift personnel working a schedule other than 24 hour shift and overtime

Friday Work Schedule							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Off 24	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24
Week 2	Off 24	Work 8 Off 16	Off 24				
Week 3	Off 24	Work 8 Off 16	Off 24				
Week 4	Off 24	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24

Saturday Work Schedule *							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Work 24	Off 24	Off 24	Work 24	Off 24	Off 24	Work 12 hrs in AM Off 12 hrs in PM
Week 2	Off 24	Work 8 Off 16	Off 24				
Week 3	Off 24	Work 8 Off 16	Off 24				
Week 4	Off 12 hrs in AM Work 12 hrs in PM	Off 24	Off 24	Work 24	Off 24	Off 24	Work 24

Sunday Work Schedule							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24	Off 24
Week 2	Off 24	Work 8 Off 16	Off 24				
Week 3	Off 24	Work 8 Off 16	Off 24				
Week 4	Off 24	Work 24	Off 24	Off 24	Work 24	Off 24	Off 24

\* In lieu of a 12/12 schedule on Saturday of Week 1 and Sunday of Week 4, an employee shall have the option of working 24 hours on Saturday of Week 1 and being off 24 hours on Sunday of Week 4, or vice versa.

APPENDIX D

ASSOCIATIONS INSIGNIA



**ARTICLE XX**  
**DURATION AND TERMINATION**

**Section 20.1. Termination in 2014.** Unless otherwise specifically provided in this Agreement, this Agreement shall be effective the day following its execution by both parties, and shall remain in full force and effect until midnight December 31, 2014; provided, however, the salary schedule for the 2014-2015 fiscal year may not be changed prior to April 1, 2015. It shall be automatically renewed from year to year thereafter unless either party shall notify the other in writing at least ninety (90) days prior to the anniversary date that it desires to modify this Agreement. In the event that such notice is given, negotiation shall begin no later than sixty (60) days prior to the anniversary date.

The terms of this Agreement shall continue to be applicable and binding on both parties during all negotiations for a successor Agreement, including any impasse resolution procedures.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2012, after being first ratified by the Association's membership and then by the Village's President and Board of Trustees.

WINNETKA FIRE FIGHTERS  
ASSOCIATION, LOCAL 2077

THE VILLAGE OF WINNETKA,  
ILLINOIS

By:   
President, Local 2077

By: \_\_\_\_\_  
Village President

By:   
Vice President, Local 2077

By: \_\_\_\_\_  
Village Manager

By:   
Committee Member

By: \_\_\_\_\_  
Fire Chief

By:   
Committee Member

By: \_\_\_\_\_  
Deputy Chief

By: \_\_\_\_\_  
Committee Member

By: \_\_\_\_\_  
Assistant to Village Manager

By: \_\_\_\_\_

By: \_\_\_\_\_

## AGENDA REPORT

**TO:** Village Council  
**SUBJECT:** Ordinance MC-4-2012 – Updating Building and Fire Codes  
**PREPARED BY:** Michael D'Onofrio, Director of Community Development  
Katherine S. Janega, Village Attorney  
**DATE:** July 5, 2012  
**REF:** June 19, 2012 Council Agenda, pp. 10-86

Ordinance MC-4-2012 updates the Village's building and fire codes by updating the editions and amending the model codes that are adopted and incorporated into the Village Code by reference. The Ordinance was introduced at the June 19, 2012, Village Council meeting. at which time some of the Trustees raised questions regarding the applicability of the model building codes, how they apply to existing buildings and how they are administered, and regarding the reasons for adopting the ICC International Energy Conservation Code (IECC), 2012 Edition, the nature, scope and applicability of the IECC, and the impact of applying it. Staff has looked into these questions and what follows is a response.

This Agenda Report attempts to answer the Trustees' questions and to explain related amendments to Ordinance MC-4-2012. Those amendments, and several other unrelated to the Council's inquiries, have been highlighted in yellow in the attached updated draft of Ordinance MC-4-2012 and are explained in detail in Section V of this Agenda Report.

### **I. The Applicability of the Model Building and Fire Codes**

In the course of the Village Council's discussions on June 19, one of the Trustees inquired about the applicability of the proposed amendments and expressed concern that the Building Code amendments could be used to require existing buildings to be updated. For the reasons explained in the following sections, Village Code amendments are not applied retroactively and the Village's Building Code, which includes the updated model codes that would be adopted by reference pursuant to Ordinance MC-4-2012, applies only to certain construction activities, as defined in Chapters 15.04 and 15.32 of the Village Code.

#### **A. Prospective application of Code amendments**

As is common in the legislative enactments of all legislative bodies, all Village Ordinances contain a provision that states when the ordinance becomes effective, and no ordinance is enforced before it goes into effect. (*See, e.g.*, MC-4-2012, §30, p.39) This practice complies with both the Illinois Constitution of 1970 and the United States Constitution, which expressly prohibit ex post facto laws, *i.e.*, laws that retroactively make an act illegal, although the act was legal at the time it was done. (Ill. Const. of 1970, Art. 1, §16; U.S.C.A. Const. Art. I § 9, cl. 3.) Consequently, all amendments to the Winnetka Building Code apply only to construction activity that occurs on or after the effective date of the ordinance that enacts the amendment.

**B. General applicability of the Building Code and model codes**

The Winnetka Building Code (Title 15 of the Winnetka Village Code) includes the model building and fire codes that are adopted by reference in Chapters 15.08 and 15.16. (See WVC §15.04.010) It is the general provisions in Chapter 15.04 that explain the circumstances in which Title 15's regulations apply. First, Sections 15.04.020 and 15.04.030 of the Winnetka Building Code define the scope and intent of the Building Code as follows:

**Section 15.04.020 Scope.**

This title establishes the *minimum requirements for construction activities* in the Village, and for all other matters affecting or relating to buildings, structures and site work, including but not limited to electrical equipment, engineering, fire prevention and building safety, plumbing, drainage and sanitation systems, heating, ventilation and air conditioning systems, and compliance with the tree preservation, occupancy, zoning and property maintenance requirements as provided in this code. [*Emphasis added.*] (Prior code § 23.02)

**Section 15.04.030 Intent.**

This title is intended to ensure public safety, health and welfare insofar as they are affected by the design, construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings, structures and property within the Village.

In addition, as is common in many codes, Section 15.04.060 of the Winnetka Building Code defines violations by stating what behavior is prohibited, not what behavior is required. Section 15.04.06 provides:

**Section 15.04.060 Compliance with regulations.**

It is a violation of this code for any person to engage in any *construction activities* in violation of any provisions of this code, this title or any applicable rules and regulations adopted pursuant to this code, or to change the use or occupancy of any building, structure or portion of such building or structure, unless the building, structure or portion is in full compliance with the provisions of this code and is approved for such use or occupancy. [*Emphasis added.*] (Prior code § 23.06)(MC-3-2005, Amended, 06/21/2005)

In similar fashion, Section 15.32.010 of Chapter 15.32 of the Building Code, which governs building permits, states a prohibition against doing work without a building permit, but also defines when a building permit is not required. Section 15.32.010 provides:

**Section 15.32.010 Permits required**

No person shall proceed with any *construction activity*, other than *ordinary repairs*, on any property in the Village unless the owner first obtains a permit from the Director as provided in this chapter. Any person who engages in any construction activity that requires a permit before said permit has been issued, shall be subject to such additional fees and penalties as may be set from time to time by resolution of the Village Council. [*Emphasis added.*] (Prior code § 23.09) (MC-3-2005, Amended, 06/21/2005)

Thus, the threshold question in determining whether the Village’s Building Code applies is whether a given situation involves “*construction activity*” or “*ordinary repairs.*” Section 15.040.050(B) of the Winnetka Building Code defines both terms, as follows:

“Construction activity” means any activity or activities related to the construction, alteration, addition, repair, removal, demolition, occupancy or maintenance of a structure or building, or any part, including but not limited to site work, excavation, underpinning, raising, lowering, remodeling, renovation, rehabilitation, or site restoration. Unless otherwise specified, “construction activity” includes ordinary repairs. In addition, “Construction activity” includes the following: (1) any activity or activities involving the alteration of the elevation or grade of any property for any purpose, including but not limited to, grading for stormwater drainage, landscaping and the placement of berms; (2) all plumbing work; (3) all electrical work; (4) the delivery, servicing or removal of construction equipment and supplies, including but not limited to, brick, lumber, construction trailers and portable toilets; and (5) the exterior use of any machinery or equipment in the cleaning, servicing or maintenance of a construction site or any temporary facilities or temporary structures on a construction site.

“Ordinary repairs” means work on or repairs made to any part of an existing structure for the purpose of the structure's maintenance, provided, the work or repair does not affect or involve any structural element or any of the following: (1) the cutting away of any wall, partition or portion of wall; (2) changing the use or occupancy classification of the structure; (3) the fire hazard of the structure; (4) the reshingling or recovering of any roof; (5) electrical work; (6) plumbing work other than minor service connection repairs, as defined in section 13.04.100(A)(4) of this Code; (7) the installation or alteration of any means of egress or of any mechanical systems, including but not limited to heating, cooling and ventilation.

In general, then, the Building Code and the model codes incorporated into it by reference apply to certain *activities on* or *changes to* a parcel of property, a building or a structure, rather than to the static condition of the property. The following section of this Agenda Report discusses how these provisions and the basic constitutional principles of the preceding section are read together in applying them to existing buildings.

### **C. Effect of model building and fire codes on existing buildings**

Because the applicability of the Village’s Building Code is triggered by construction activity, rather than by the mere static existence of a building or structure, a building or structure that was constructed or altered pursuant to a valid permit and that otherwise complied with then-applicable codes, is not treated as being in violation of the Building Code merely because one or more provisions of the Building Code have been updated. In other words, updating the model codes does not require work that was previously done in accordance with a prior edition of the

Building Code to be undone or redone merely because the text of the updated model code has been changed.<sup>1</sup>

Because construction activity, by its very nature, is initiated by the property owner, once a property owner decides to make changes to the owner’s land, property, building or structure, then whatever work is involved in making the change must comply with all applicable provisions of the Village Code, including the Building Code and the model codes it incorporates, as those codes exist at the time the work is begun. If the work requires a building permit, Village staff applies the Code provisions in effect at the time the application is submitted for review, and applies the then-current Code provisions only to the portions of the land, building or structure that are affected by the permit application.

That the application of the Code is confined to the work being proposed by the permit application is underscored by numerous sections of the Building Code. For example, building permit applications contain the owner’s signed agreement stating that *the work covered by the permit* will be completed in accordance with the Code. (WVC §15.32.050(A)) Similarly, the criterion for permit approval is that “the *proposed work* conforms with the requirements of this code.” (WVC §15.32.080(A)) In addition, Section 15.32.050(B) explicitly states that the building permit application “shall constitute the owner’s consent to all inspections *of the permit work* that may be required pursuant to this code.” (WVC §15.32.050(B)) [*Emphasis added.*]

No provision of the Code gives the building officials a general license to inspect all areas of a parcel of property, or of a building or structure. To the contrary, the express purpose of building inspections is “to determine that the *permit work* is being performed and has been completed in conformity with the approved construction documents and this code. (WVC §15.32.160(A)(1)) [*Emphasis added.*] Moreover, a corresponding provision in the general provisions of Chapter 15.04 actually limits the right of entry of building officers to premises for which a permit has been issued. (WVC §15.04.070)

Finally, because the issuance of a building permit grants the property owner the right to perform the work defined in the permit, those rights are considered to be “vested” for constitutional purposes, which means that even a substantive change in the Village Code after a permit is issued and while the work is being done does not impose a new requirement on the property owner, as long as the work was lawfully begun in the first place. As noted above, changing the requirements after the fact would run afoul of the State and federal constitutions,

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<sup>1</sup> One notable exception that could impose an affirmative requirement on a property owner, of course, is the Commercial Property Maintenance Code, which is technically a part of the Building Code. The Property Maintenance Code was enacted pursuant to Ordinance MC-7-2011, which adopted the International Property Maintenance Code by reference, and amended it to significantly narrow its applicability. As adopted by the Village, however, the Property Maintenance Code is complaint driven, and there is no general right of access for compliance inspections other than the periodic, basic fire and life safety inspections that have long been required for multi-family and commercial buildings. Nor did the enactment of the Property Maintenance Code allow the Village to retroactively cite property owners for violations. More to the point for purposes of the current discussion, the ordinance now before the Council, MC-4-2012 does not address any of the provisions of the Commercial Property Maintenance Code.

not only because it would transform the Building Code into an unconstitutional ex post facto law, but also because it would effectively take away a protected right without due process of law.

The hypothetical posed by Trustee Kates at the June 19<sup>th</sup> meeting, regarding the building separation requirements for garages, provides a good illustration of how the building codes apply to existing buildings.<sup>2</sup> (MC-4-2012, p.17, ¶11) For example, if a homeowner with an existing garage wishes to put in new lighting or a garage door opening system, an electrical permit would be required. However, even if the existing garage floor were flush with the floor of the adjacent interior spaces, the permit review process would cover only the electrical work and any structural work necessary for the installation and operation of the doors. As explained by Community Development Director D’Onofrio, the Village will not make the property owner excavate and lower the garage floor. However, if a homeowner is proposing a new attached garage, then the provisions would apply.

In short, nothing in the Village Code explicitly or implicitly authorizes the Village or any of its officials to apply the Building Code or the model codes it adopts by reference retroactively, or to use an application for a building permit either as a vehicle for unauthorized inspections or as leverage for requiring improvements that are not triggered by the owner’s own application. Nor has Village staff ever attempted to read or enforce the Building Code in such a fashion.

## **II. Procedural Safeguards: The Appeals Process**

To further protect the rights of property owners, the Building Code provides a procedural vehicle for property owners who disagree with the manner in which Village staff has interpreted or applied the Building Code. Chapter 15.72 establishes an appeal process whereby “any person affected by a decision of a Building Officer” is granted the right to take an appeal first to the “Building and Zoning Review Board” (the Zoning Board of Appeals in its capacity as Building Review Board), and then to the Village Council. (WVC §§15.72.010, 15.72.020)

The appeals process applies to decisions made under Sections 15.32.080(G) (surface water drainage criteria), 15.44.080 (use of alternative materials and equipment), 15.08.010 (application of any of the model codes adopted by reference), 15.44.120 (private garages) and 15.44.130 (boiler and furnace rooms) and Chapter 15.54 (Construction and Demolition Debris Recycling). (WVC §15.32.010)

The appeal must be filed within 21 days of the Building Official’s decision, and must be based “on a claim that the true intent of this code or the rules legally adopted under this code have been incorrectly interpreted, that the provisions of this code do not fully apply, or that an equivalent form of construction is to be used.” (WVC §15.32.020)

The appeal operates as a stay against further action, unless the Building Official certifies that a stay would cause “imminent peril to life or property,” in which case the proceedings are not stayed except by a court issued restraining order. (WVC 15.72.030) At the ZBA hearing,

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<sup>2</sup> It should be noted, however, that MC-4-2012 does not change the text of this provision. It has simply been renumbered and relocated to correspond to its numbering and location in the updated model code.

any party may appear in person, by agent, or by attorney. The ZBA is to fix “a reasonable time” for the hearing and make its decision “within a reasonable time.” This allows the hearing to be set at a regular or special meeting of the ZBA, depending on the nature and complexity of the issues on appeal, as long as Open Meetings Act notice requirements can be met. The ZBA can affirm, modify or reverse the Building Official’s decision, and must issue its decision in writing. (WVC §15.72.040) Any person who participated in the appeal may appeal the ZBA’s decision to the Village Council. That appeal must be made within 7 days of the ZBA’s decision, and the Village Council, must make its decision no more than 30 days from the day of the written appeal. (WVC §15.72.050)

No amendments to the appeal provisions have been proposed in MC-4-2012, as Village staff has no record nor any recollection of appeals under these provisions of the Building Code, and the norm is for issues regarding the interpretation and application of the Building Code to be worked out in the course of the application review process. Staff does not recommend changes to provisions of the Code that have not proven to be ineffective or a source of complaint, and thus does not recommend any changes to Chapter 15.72. Should the Council wish to evaluate the appeals process or explore alternative methods for appeals, staff recommends that the appeal process be considered as a separate issue and that the Village’s procedures be studied and compared to those in other jurisdictions before deciding what, if any, changes the Council wishes to make.

### **III. The Model International Energy Conservation Code (IECC)**

Several questions were raised at the June 19<sup>th</sup> meeting regarding the addition of the International Energy Conservation Code as one of the codes being adopted by reference. The questions are listed and addressed in this section.

➤ ***What is the International Energy Conservation Code (IECC)?***

The IECC, which regulates energy conservation requirements for new construction, is one of a series of model building codes promulgated by the International Code Council. As with the other model codes, the IECC is a set of minimum standards that design professionals can use when designing an energy efficient home. It sets forth minimum requirements for exterior envelope insulation, window and door U-factors, duct insulation, lighting and power efficiency and water distribution insulation.

➤ ***Why is the 2012 Edition of the International Energy Conservation Code being proposed for adoption as the Village’s energy conservation code?***

Pursuant to the Illinois Energy Efficient Building Act (Act), 20 ILCS 3125/1 *et seq.*, the most recent edition of the International Energy Conservation Code has been adopted as the energy code for the State of Illinois. Attachment A, which follows Ordinance MC-4-2012, is a print-out of information from the Capital Development Board’s web site explaining Energy Code requirements. As that attachment shows, and as explained in greater detail in the following paragraphs, the Act effectively requires all municipalities, regardless of home rule status, to apply the latest edition of the IECC to both commercial and residential construction.

The Act, created by Public Act 93-936, was signed into law on August 13, 2004. As initially enacted, the Act's title was the "Illinois Energy Efficient Commercial Building Act" and it applied only to commercial buildings. In its initial form, the Act directed the Capital Development Board (CDB) to adopt the 2000 International Energy Conservation Code and authorized the CDB to adapt the IECC to reflect different conditions around the State. (20 ILCS 3125/15 (West 2004, 2005 Supp.)) Section 45 of the Act pre-empted the exercise of home rule powers, prohibiting home rule units from adopting less stringent standards, while authorizing them to adopt more stringent standards than those in the 2002 IECC. (20 ILCS 3125/45 (West 2004, 2005 Supp.)) Two years later, Public Act 94-815 amended the definition of "Code" to refer to "the latest published edition" of the IECC rather than a specific edition. (20 ILCS 3125/10)

The Act was amended again, and more significantly, by Public Act 96-778, effective August 28, 2009. That amendment dropped the word "commercial" from the Act's title, renamed the Act as the Illinois Energy Efficient Building Act, and then modified definitions and other provisions to expand its scope to include residential buildings.

Section 45 of the Act still preempts home rule and still prohibits municipalities from adopting less stringent standards than in the latest edition of the IECC. However, while Section 45 still allows municipalities to adopt more stringent standards for commercial buildings, when it comes to residential buildings, the Act prohibits enacting standards that are more stringent than the latest edition of the IECC. (20 ILCS 3125/45)

While the Act does not explicitly require the Village to adopt the IECC, it requires the Village to apply the IECC. Section 20(d) of the Act addresses municipalities and provides as follows:

(d) A unit of local government that does not regulate energy efficient building standards is not required to adopt, enforce, or administer the Code; however, any energy efficient building standards adopted by a unit of local government must comply with this Act. If a unit of local government does not regulate energy efficient building standards, any construction, renovation, or addition to buildings or structures is subject to the provisions contained in this Act.

An examination of the provisions of the Act leave little question of the need to adopt the IECC. Section 20(a) of the Act provides that the Code, *i.e.*, the latest edition of the IECC, "shall apply to any new building or structure in this State for which a building permit application is received by a municipality or county, except as otherwise provided by this Act. In the case of any addition, alteration, renovation, or repair to an existing commercial structure, the Code adopted under this Act applies only to the portions of that structure that are being added, altered, renovated, or repaired." (20 ILCS 3125/20(a)) The Act also applies to existing buildings, with some exceptions, related to storm windows, replacement of window glass, and ceiling, wall or floor cavities exposed during construction, as long as they are filled with insulation, and construction where the existing roof, wall or floor is not exposed. (20 ILCS 3125/20(c))

➤ ***If the Act already requires the IECC to be applied, why should the Village adopt it?***

There are three key reasons for adopting the Act. First, the Village is required by law to apply the Act to building permit applications, even if it has not adopted it. Second, it facilitates code administration. Third, and perhaps most important, adopting the IECC into the Village Code by reference makes it more user friendly, in that it consolidates the Village’s regulations into a single location and makes it unnecessary for property owners, contractors and architects to find their way through the CDB’s web site, and it also clearly establishes and preserves local procedures, including appeals.

➤ ***Have other neighboring municipalities adopted the IECC code?***

Yes. Community Development staff has checked with the seven neighboring municipalities identified in its June 14, 2012, Agenda Report and found that all of them have adopted the IECC. Following is a list of those municipalities and the IECC Edition currently in effect in each one:

Deerfield	2006 Edition
Glencoe	2009 Edition
Highland Park	2009 Edition
Kenilworth	2006 Edition
Northbrook	2009 Edition
Northfield	2006 Edition
Wilmette	2009 Edition

➤ ***What is the additional cost for a new home constructed under the IECC, 2012 Edition?***

To answer this question, it is first necessary to establish a baseline for the current cost of energy conservation improvements. Although the Village has not adopted the IECC, it currently applies the energy conservation standards in Chapter 11, Energy Efficiency, in the International Residential Code, 2003 Edition (2003 IRC). The most significant building envelope measures provide the best illustration for comparison purposes. The following chart compares several building envelop factors from Chapter 11 of the 2003 IRC with the 2009 IECC and 2012 IECC Editions.

Code Edition	R-Value		
	Ceiling	Wall	Basement Wall
2003 IRC, Ch. 11	R-49	R-21	R-11
2009 IECC	R-38	R-21	R-10
2012 IECC	R-49	R-21	R-15

As the chart demonstrates, the only change from the current code being used by the Village (2003 IRC, Ch.11) to the 2012 IECC is that the Basement Wall R-Value has been increased from R-11 to R-15. However, since that requirement already applies whether or not the Village adopts the IECC, there is no practical difference.

In addition to the building envelope changes, the 2012 IECC makes changes that are not required in either the 2009 IECC or Chapter 11 of the 2003 IRC, including the following:

- Air sealing and testing has been increased to require that a blower door test be conducted on the building to determine the structure's thermal air leakage.
- Insulation is required on hot water pipes.
- At least 75% of all lighting fixtures must contain only high efficiency lamps.
- Bathroom vent fan requirements have been upgraded.
- Increased sealing is required at air handlers and furnaces.
- Air conditioning condensers have been downsized, resulting in HVAC system savings.

Community Development lacks the resources to develop its own financial models of all of the changes made in the 2012 IECC. However, one group, the Building Codes Assistance Project (BCAP), has done modeling to determine the impact of the changes on construction costs and energy savings. BCAP describes itself as a not-for-profit organization whose mission is to reduce the energy consumed in the construction and operation of buildings by working with national, state and local governments and other stakeholders to promote the adoption and implementation of building codes and standards. Although BCAP does not have any official governmental standing, it's modeling has been used by code administrators in the area to illustrate the economic impact of energy conservation measures under the IECC.

BCAP's analysis, of a two-story, 2,400 square foot home constructed in Illinois, is detailed in Attachment B, "Illinoisans Buying 2012 IECC Homes Will Save Thousands." Taking the BCAP analysis and applying it against the Village's current standard, Chapter 11 of the 2003 IRC, Community Development staff estimates that the total increase in the cost of energy conservation improvements would be \$918. The BCAP analysis also estimates cost savings between the 2009 and 2012 Editions of the IECC to be \$397/year (the savings for a home in Winnetka would be somewhat less because the Village currently requires an R-49 insulating value in ceilings.) Given all of the above factors, staff estimates that it would take no more than 2 to 3 years to recover the additional construction costs associated with the 2012 IECC.

#### **IV. Building Addresses**

In the course of the discussion on the proposed amendment to International Fire Code Section 505.3, Premises Identification (MC-4-2012, p.33), Staff was asked to check with the Fire and Police Departments about concerns they might have regarding addresses. One trustee also asked about allowing house numbers to be placed on the adjacent parkway.

The provision in question, which will be part of Section 15.16.020(C) of the Fire Prevention and Life Safety Codes, applies to all buildings other than one- and two-family residential buildings. There is a corresponding provision in Section 15.44.010(C), which applies to all buildings and is proposed to be amended for the sole purpose of replacing the reference to the Director of Public Works with a reference to the Director of Community Development, since Community Development assigns building addresses. (MC-4-2012, p. 37)

The requirements that the street numbers be at least 3 inches high, that they be located “in a conspicuous place on the street side” of the premises and that they be “of such character as to be distinctly and easily read,” are all intended to further the public safety, by facilitating emergency responses and making it easier for persons looking for a particular location to find it without obstructing street traffic. The Fire Department’s greatest concern, however, is with a lack of contrast between the individual numbers and the background to which they are affixed, which makes it difficult to read. For example, the Fire Department noted that house numbers affixed to a tree can sometimes be difficult to read.

Allowing building numbers to be placed on the parkway would require a significant policy shift on the part of the Village. First, the placement of street number signs on the public parkway is prohibited under Sections 15.60.060(J) and (K) of the Winnetka Sign Code. (WVC §§15.60.060(J), 15.60.060(K)) Second, the placement of house numbers on parkway trees, which tends to be a favored location, risks damage to Village property. Third, the placement of street number signs on the parkway can place them in conflict with Village signage and utility facilities. Perhaps most significantly, allowing house numbers to be placed on the parkways rather than on an owner’s private property would allow the proliferation of unnecessary obstacles on the parkway and increase hazards for cars, pedestrians and cyclists alike, thereby increasing the Village’s exposure to claims and liability. Protecting against that exposure would require the Village to establish standards regarding size, placement and design, which in turn would impose additional administrative costs.

On residential streets where there are sidewalks, the private property line is never more than a few feet from the parkway, so there is no readily apparent reason for allowing the signs on public property. On streets where there are no sidewalks, and on private streets or flag lots where a house may not be easily visible from the street, compliance is easily accomplished by placing numbers at the edge of the private property, adjacent to the public way. Therefore, Village staff does not recommend altering the current policy of including house and address number signs within the scope of signs prohibited on the public rights of way.

## **V. Amendments to Ordinance MC-4-2012**

In addition to amendments that respond to the more significant questions discussed in this Agenda Report, some other provisions of Ordinance MC-4-2012 have also been amended, primarily to correct some textual inconsistencies and transcription errors that were identified in the course of the June 19<sup>th</sup> Council discussion. All revisions to Ordinance MC-4-2012 since its introduction are highlighted in yellow. The table that follows on the next page lists the location and rationale for each of those revisions.

Page	Revision	Reason for Revision
2	Adds new Section 2 to MC-4-2012, amending WVC §15.04.050(A)	Technical amendment; see Drafter’s Note, page 2 of MC-4-2012.
2	MC-4-2012, Section 3, amending WVC §8.04.010(A)	Technical amendment; see Drafter’s Note, page 2 of MC-4-2012.
3	MC-4-2012 , Section 4, amending WVC §8.04.020(D)	Revises text; see Drafter’s Note, page 3 of MC-4-2012.
4	MC-4-2012 , Section 5, amending WVC §8.04.050(B)	Clarification in response to questions regarding direct connect wireless alarms; see Drafter’s Note, page 4 of MC-4-2012.
6	MC-4-2012, Section 10, amending WVC §8.08.030	Restores and amends the provision on outdoor fires, which had been moved to WVC §15.16.020 in the initial draft. See Drafter’s Note, page 6 of MC-4-2012.
10	MC-4-2012, Section 13, correcting WVC §15.08.020(B)(4)	Restores Section 102.6 of International Building Code, pertaining to existing structures, in WVC §15.08.020(B). See Drafter’s Note, page 10 of MC-4-2012.
19	MC-4-2012, Section 14, WVC §15.08.030(B)(15)	New paragraph 15 has been inserted to amend the Compliance provision of IRC Chapter 11, Energy Efficiency, making it consistent with 2012 IECC. IRC allows compliance with either Chapter 11 or the IECC. As discussed in Section III of this Agenda Report, residential environmental standards in Illinois are limited to those in the most recent edition of the IECC, so the alternative compliance has been stricken.
31	MC-4-2012, Section 19	Corrects the WVC section number.
32 and 33	MC-4-2012, Section 20, amending WVC §15.16.010(A).	Adds NFPA 72 as one of model fire codes specifically adopted into the Building Codes. See Drafter’s Note, page 33 of MC-4-2012.
34	MC-4-2012, Section 21, WVC §15.16.020(C)(1)	Corrects date of model code. Further amends the provision on outdoor fires, providing a construction-related complement to WVC 8.08.030, which has been restored and amended. See Drafter’s Note, page 34 of MC-4-2012.

Page	Revision	Reason for Revision
34	MC-4-2012, Section 21, WVC §15.16.020(C)(3)	Paragraph 3 has been highlighted, although the text has not changed since introduction. The provision adds a new section 607.5 to the International Fire Code, pertaining to elevator size. After further conferring with the Fire Department pursuant to Council inquiry, staff has confirmed that this provision applies only to new construction and is not intended to require exiting elevator shafts to be enlarged to accommodate a larger elevator cab. (See discussion in Section I of this Agenda Report, above.)
36 and 37	MC-4-2012, Section 24,	Technical amendment; see Drafter’s Note, page 37 of MC-4-2012
39	MC-4-2012, Section 31	Adds language pertaining to State posting requirement for adoption of model codes.

**V. Attachments**

The following materials are attached to this Agenda Report:

1. The tracked, updated draft of Ordinance MC-4-2012, including yellow highlighting and Drafter’s Notes to identify and explain revisions since introduction.
2. A clean print of the revised draft of Ordinance MC-4-2012.
3. Attachment A – Informational Print-out from the Capital Development Board regarding the International Energy Conservation Code (IECC).
4. Attachment B – Publication from BCAP illustrating cost impacts of the IEC on construction of residences in Illinois.

**Recommendation:**

1. Provide further policy direction.
2. Consider amending the draft of Ordinance MC-4-2012, as presented in the agenda materials.

**AN ORDINANCE  
ADOPTING UPDATED MODEL BUILDING, FIRE AND LIFE SAFETY CODES  
FOR INCORPORATION INTO THE WINNETKA VILLAGE CODE**

**WHEREAS**, the Village of Winnetka is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village of Winnetka has the authority to adopt ordinances and to promulgate rules and regulations protecting the health, safety and welfare of its citizens; and

**WHEREAS**, the Council of the Village of Winnetka (“Village Council”) have reviewed amendments proposed by the Village staff to various provisions of Title 8 of the Winnetka Village Code, Health and Safety, and of Title 15 of the Winnetka Village Code, Building and Construction, to adopt and incorporate by reference updated model codes; and

**WHEREAS**, the proposed updating of Titles 8 and 15 includes the adoption by reference of the 2009 editions of the International Building Code, the International Fire Code, the International Residential Code for One- and Two-Family Dwellings, the International Mechanical Code and the International Fuel Gas Code, the updating of fire and life safety codes, the continued adoption of the 2004 edition of the State of Illinois Plumbing Code and the 2008 edition of the National Electrical Code, all of which are sometimes hereinafter referred to collectively as the “Model Codes;” and

**WHEREAS**, copies of each of the foregoing Model Codes have been maintained on file in the office of the Village Clerk for at least 30 days prior to the effective date of this ordinance; and

**WHEREAS**, the Village Council have determined that the comprehensive amendments proposed by the Village staff will benefit the public health, safety and welfare by assuring that all construction activity in the Village of Winnetka is performed pursuant to the most recent nationally recognized standards; and

**WHEREAS**, the Village Council have further determined that the comprehensive amendments will facilitate the administration of regulations pertaining to construction activity in the Village of Winnetka due to the reorganization and consolidation of all administrative procedures pertaining to the regulation of construction activity; and

**WHEREAS**, this Ordinance is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers under Article VII, Section 6 of the Illinois Constitution of 1970.

**NOW, THEREFORE**, the Council of the Village of Winnetka do ordain:

**SECTION 1:** The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

**SECTION 2:** Subsection A of Section 15.04.050, “Definitions,” of Chapter 15.04, “General Provisions,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is hereby amended to provide as follows:

A. Terms Defined in Other Ordinances and Codes. Terms used in this title Building Code, but not otherwise defined, shall have the meanings ascribed to them in the Zoning Ordinance, this code or the codes adopted by reference in Sections 15.08.010, 15.16.010 and 8.04.010 of this code.~~15.12.010 and 15.20.010.~~

**[Drafter’s Note:** This amendment updates the chapter references for the model codes that are adopted by reference. Chapter 15.08 adopts the principal model building codes by reference, while Chapter 15.16 adopts model fire prevention codes, and Chapter 8.04 adopts model codes pertaining to alarm and sprinkler systems. Chapters 15.12 and 15.20 were previously repealed when the substance of those chapters was transferred into Chapter 15.08.]

**SECTION 3:** Section 8.04.010, “General requirements for automatic alarm and fire detection systems and smoke detectors,” of Chapter 8.04, “Security and Fire detection Systems, of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.04.010 General requirements for automatic alarm and fire detection systems, and smoke detectors.**

A. Automatic alarm and fire detection systems. All automatic alarm and fire detection systems shall be subject to the provisions of this Chapter 8.04. In addition, except as provided in Section 15.16.050(B) of this code, all automatic alarm and fire detection systems shall be installed in accordance with the standard set forth in NFPA Publication 72, National Fire Alarm Code, ~~1996-2010~~ Edition, in any building used for an occupancy described in subsections ~~(A)(2)(a) through (A)(2)(h) (A)(2)(g) (B)(1) through (B)(7)~~ of Section 15.16.050 of this code.

**[Drafter’s Note:** The yellow-highlighted text has been added to reflect a corresponding correction at page 36, below, which restores storage occupancies to the types of building occupancies listed in Section 15.16.050.]

B. Smoke detectors. Residential smoke detectors shall be supplied and installed in accordance with the “Illinois Smoke Detector Act,” 425 ILCS 60/1, et seq., except that an approved smoke detector shall also be installed in each sleeping room. As used in the Illinois Smoke Detector Act, the term “substantially remodelled” means the installation of new electrical wiring throughout the dwelling unit regardless of the cost of such wiring, and any work to repair, restore, renovate, remodel or increase the size of a dwelling unit if the cost of such work exceeds fifty (50) percent of the value of the existing dwelling unit. Notwithstanding any exceptions stated in the Illinois Smoke Detector Act to the contrary, the

smoke detectors required for any newly constructed addition to a dwelling unit shall be permanently wired into the addition's AC power line, and if more than one detector is required to be installed in the addition, the detectors shall be wired so that the actuation of one detector will actuate all the detectors in the addition.

C. Exception to fire detection system requirement. No automatic fire detection system shall be required in any room or portion of a building which is equipped with an approved installation of an automatic fire extinguishing system except where it is determined by the Fire Chief that early warning is necessary for life safety.

(Ord. MC-228-99 § 7 (part), 1999; prior code § 24.01)

D. Emergency key access requirement. The owner of any building or structure that is not a single-family or two-family dwelling and that is protected by an automatic sprinkler system and/or an automatic fire detection system shall purchase, install and maintain an emergency key access system consisting of a locked box of a type and in a location prescribed by the fire chief. The key box shall contain:

1. Keys to locked points of ingress whether on the interior or exterior of such building or structure;
2. Keys to locked mechanical equipment rooms;
3. Keys to locked electrical equipment rooms;
4. Keys to elevator controls; ~~and~~
5. Keys to the fire alarm equipment; and
6. Keys to other areas as directed by the fire chief.

(Ord. MC-2-2011, 2/15/11; Ord. MC-1-2005 § 2, 2/15/05)

**SECTION 4:** Subsection D of Section 8.04.020, “Definitions,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

D. Direct connection system. “Direct connection alarm” means an alarm system that uses an approved Village radio receiver to is connected directly, ~~via a leased telephone line or an approved Village radio receiver,~~ to an alarm receiving panel located in the Village's Public Safety Building at 410 - 428 Green Bay Road. No digital dialer alarm shall be considered a direct connection alarm.

**[Drafter’s Note:** The yellow highlighting shows a non-substantive revision made to enhance the clarity of the provision. The striking of the reference to telephone lines reflects the policy shift made by the Village Council when it passed Ordinance MC-2-2011 and approved replacing a third-party alarm panel with a Village-owned wireless alarm panel so that emergency calls would go directly to the Village’s dispatch center, rather than being relayed through the vendor’s central station monitor, which had caused delays in response times.]

**SECTION 5:** Section 8.04.050, “Impermissible alarm devices,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.04.050 Impermissible alarm devices.**

A. No person shall install or allow to exist on any alarm system:

1. Any device that produces a sound or visual display similar to sirens or lights of emergency public safety vehicles of the Village or emergency warning system (civil defense) sirens; or
2. Any device (except a fire alarm) not equipped with an automatic shutoff that will deactivate sound or visual display within ten (10) minutes of the commencement of any alarm.

B. No person shall install any device that automatically contacts the Police or Fire Department and **that also** uses or reproduces any recorded message to summon Police or Fire Department response, except that an elevator auto-dialer emergency communication system that is required by ANSI 17.1 or 17.3 Standards shall be permitted.

(Ord. MC-228-99 § 7 (part), 1999; prior code §§ 4.10, 24.05)

**[Drafter’s Note:** The yellow-highlighted text has been added in response to inquiries made at the time of introduction, to clarify that this provision prohibits the combination of a recorded message with an automatic, direct connection to the Police and Fire Department.]

C. No person shall install any type of digital dialer alarm that dials into the Police Department alarm system receiver.

(Ord. MC-2-2011, 2/15/2011; Ord. MC-06-2004 § 3, 05/04/2004)

**SECTION 6:** Subsection B of Section 8.04.060, “Inspections, responses and false alarms,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

B. Inspections required. All fire, smoke and carbon monoxide alarms shall be subject to inspections inspected by the Fire Department. All other alarms shall be inspected by the Police Department.

**SECTION 7:** Subsection A of Section 8.04.080, “False alarm fee procedures,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

A. Notice of False Alarm Fee. The Chief of Police, ~~or the Fire Chief,~~ or the designee of either Chief, upon determining that a false alarm has occurred, shall give written notice to the alarm system user that a false alarm has occurred at the premises, and; shall bill the alarm system user pursuant to the schedule of false alarm fees provided in Section 8.04.070, ~~shall bill the alarm system user accordingly.~~

**SECTION 8:** Subsection A of Section 8.08.010, “Storage of flammable or combustible liquids,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

A. No more than five gallons of gasoline or other Class I or II flammable or combustible liquids may be stored on private premises for personal or private use. Such liquids shall be stored in an approved container of safety type, removed from flame or open fire, in a room or space with good ventilation. Such liquids shall, if possible, be stored in a garage or out-building, and shall not be stored in any cellar, stairwell, basement or pit. No Class I or II flammable or combustible liquids may be stored in a motor vehicle that has not been approved for transporting such products, except in the vehicle's own manufactured fuel tank.

**SECTION 9:** Section 8.08.020, “Storage of liquified petroleum gas,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.08.020 Storage of liquified petroleum gas.**

A. Storage of liquified petroleum gas is prohibited within the fire limits as established in Section ~~15.32.140~~ 15.44.090 of this code.

B. Storage of liquified petroleum gas outside of the fire limits shall be prohibited on any premises except those used for residential occupancies.

C. The maximum capacity of a container for storage of liquified petroleum gas on any premises in the Village shall be two thousand (2,000) gallons, water capacity.

D. No container for liquified petroleum gas shall be installed with any part of it below the ground surface.

E. The outside storage of liquified petroleum gas containers pending their use, sale or resale, including containers stored outside as part of a cylinder exchange program, shall not exceed a combined total of 120 gallons (twenty-four 25-pound cylinders), water capacity.

(Prior code § 26.03)

**SECTION 10:** Section 8.08.030, “Outdoor fires,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby ~~repealed~~. amended to provide as follows:

**Section 8.08.030 Outdoor fires; fireplaces, grills and barbecue pits.**

A. Fireplaces, grills and barbecue pits. All outdoor fireplaces, grills and barbecue pits shall be located at least fifteen (15) feet from any building or fence. The use of permanent outdoor fireplaces, grills or barbecue pits is permitted as provided in Section 15.16.020(C)(1) of this code; provided that, the same are under continuous competent supervision and such fireplace, grill or barbecue pit is at least fifteen (15) feet from any building or fence.

B. Fire pits. No fire pit shall be used within ten (10) feet of any combustible material, or within ten (10) feet of any property line. No fire pit shall be used in such a manner or location that it causes any building fire alarm to activate or that it otherwise creates a hazardous or objectionable condition. The code official is authorized to order the extinguishment of a fire in a fire pit that is creating a hazardous or objectionable condition.

(Prior code § 26.11)

**[Drafter’s Note:** As introduced, this provision was deleted, because the full text, including the fire pits provision, was included as an amendment to Section 307.4.3 of the International Fire Code. (See pp. 32-33, below.) After further conferring with the Fire Department, it was determined that the provision should be retained in Chapter 8.08 and amended, because the Fire Safety Code applies to conduct that is not always confined to construction activities.]

**SECTION 11:** Section 8.08.170, “Posting capacity of places of assembly,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.08.170 Posting capacity of places of assembly.**

Each place of assembly having a capacity of ~~two hundred (200)~~ fifty (50) or more persons shall have a sign posted in a conspicuous place specifying the maximum number of persons that may be permitted within the room at any one time. The sign shall be not less than ten (10) inches by six (6) inches with one-inch red letters on a white background and shall be maintained in a legible condition. If the place of assembly is also used for the service of food, arrange so that food may be served in such place of assembly, the notice shall specify both the number permitted for meeting purposes without tables and for dining room purposes with tables. The allowable capacities shall be determined by the Fire Chief in accordance with the rules and regulations for fire prevention and safety of the ~~state~~ State. ~~The sign shall be not less than ten (10) inches by six inches with one-inch red letters on a white background and shall be maintained in a legible condition.~~

(Prior code § 26.28)

**SECTION 12:** Section 15.08.010, “Adoption of Model Codes by reference,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is hereby amended in its entirety, to provide as follows:

**Section 15.08.010 Adoption of Model Codes by Reference.**

The model codes described in the following subsections A through G are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

A. International Building Code, ~~2003-2009~~ Edition.

B. International Residential Code for One- and Two-Family Dwellings, ~~2003-2009~~ Edition.

C. International Mechanical Code, ~~2003-2009~~ Edition.

D. International Fuel Gas Code, ~~2003-2009~~ Edition.

E. State of Illinois Plumbing Code, 2004 Edition, as promulgated by the Illinois Department of Public Health and published in Title 77 of the Illinois Administrative Code, Chapter I, Subchapter R, Part 890.

F. National Electrical Code, ~~2002-2008~~ Edition.

G. International Fire Code, ~~2003-2009~~ Edition. (See Chapter 15.16)

H. International Property Maintenance Code, 2009 Edition.

I. International Energy Conservation Code, 2012 Edition.

(MC-7-2011, Amended, 12/6/2011; MC-3-2005, Amended, 06/21/2005; MC-13-2004, Amended, 12/07/2004)

**SECTION 13:** Section 15.08.020, “Amendments to the International Building Code of 2003,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.020 Amendments to the International Building Code, ~~2003-2009~~ Edition.**

A. **Exclusions.** The following provisions of the International Building Code, ~~2003-2009~~ Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. ~~101.4.4 101.4.5~~ **Property maintenance.** (See WVC Section 15.08.080 for commercial and mixed use property maintenance provisions.)

2. **105.1.1 Annual permit.**

3. **105.1.2 Annual permit records.**

4. ~~105.2.1 Building. One-story detached accessory structures used as tool and storage shed.~~

~~5. 105.2.2 Building. Fences not over 6.5 feet high.~~

~~6. 105.2.4 Building. Retaining walls that are not over 4 feet in height as measured from the bottom of the footing to the top of the wall.~~

~~7. Building. Sidewalks and driveways not more than 30 inches above adjacent grade.~~

~~8. 105.5 Expiration.~~ (Superseded by Section 15.32.190 of the Village Code.)

~~9. 5. 105.7 Placement of permit.~~ (Superseded by Section 15.32.180 of the Village Code.)

~~6. 105.8 Surety Bond Requirement.~~ (Superseded by Section 15.32.060 of the Village Code.)

~~7. 106.2 Site plan.~~ (Superseded by section 15.32.050 of the Village Code.)

~~10. 107.2 Construction documents.~~ (Superseded by Section 15.32.050 of the Village Code.)

~~11. 8. 106.3.1 107.3.1 Approval of construction documents.~~ (Superseded by Sections 15.32.090 and 15.32.100 of the Village Code.)

~~12. 9. 108.2 109.2 Schedule of permit fees.~~ (Superseded by Section 15.32.020 of the Village Code.)

~~13. 10. 108.4 109.4 Work commencing before permit issuance.~~ (Superseded by Section 15.32.010 of the Village Code.)

~~14. 11. 108.6 109.6 Refunds.~~ (Superseded by Section 15.32.030 of the Village Code.)

~~12. 109.3.10 Final inspection.~~ (Superseded by Section 15.32.160 of the Village Code.)

~~13. 110.3 Temporary occupancy. (Superseded by Section 15.36.010 of the Village Code.)~~

~~15. 14. 907.2.1 through 907.2.9 Use groups.~~

~~16. 1807.1.4 Permanent wood foundation systems.~~

~~17. 15. 1805.4.5 1809.12 Timber footings.~~

~~16. 1805.4.6 Wood foundations.~~

~~18. Chapter 27 Electrical. (Superseded by adoption of National Electrical Code; see Village Code Sections 15.08.010(F) and 15.08.070.)~~

~~19. Chapter 29 Plumbing. (Superseded by adoption of State of Illinois Plumbing Code, 2004 Edition; see Village Code Sections 15.08.010(E) and 15.08.070.)~~

**B. Amendments.** The following provisions of the International Building Code, ~~2003~~ 2009 Edition, are amended for adoption by the Village:

1. **101.1 Title.** These regulations shall be part of the Building Code of the Village of Winnetka. As used in the International Building Code, ~~2003-2009~~ Edition, as adopted and amended by the Village, “this code” shall mean the Building Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Building Code the Village of Winnetka shall be called the “Building Code.”

~~2. 101.4.1 Electrical: The provisions of the National Electrical Code, 2002 Edition, as adopted by reference as provided in this chapter Section 15.08, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.~~

~~2. 3. 101.4.4 Plumbing.~~ The provisions of the State of Illinois Plumbing Code, 2004 Edition, as adopted by reference as provided in this ~~chapter Section~~ Chapter 15.08, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the State of Illinois Plumbing Code 2004 Edition, as adopted by reference as provided in this ~~chapter Section~~ Chapter 15.08, shall apply to private sewage disposal systems.

~~3. 101.4.4 Property Maintenance.~~ The provisions of the International Property Maintenance Code, 2009 Edition, as adopted by reference and amended in this Chapter 15.08, shall apply to certain existing structures and premises, and shall regulate the equipment, light, ventilation, space heating, sanitation, life and fire safety hazards of such structures and premises; and shall define the responsibilities of owners, operators and occupants and occupancy of such existing premises and structures, as provided in Section 15.080 of this Chapter.

4. **102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this building code shall be permitted to continue without change, except as is specifically provided in this code, including this building code and the International Fire Code as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

[**Drafter's Note:** The highlighted paragraph was inadvertently omitted in the initial draft. It has been restored, and the numbering of the remaining paragraphs of Subsection B (paragraphs 5 through 31) has been corrected accordingly. Those numbering changes are not highlighted.]

5. **103.1 Creation of enforcement agency.** The Department of Community Development ~~is~~ created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building official.

6. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

7. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

8. **104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this building code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reasons makes the strict letter of this building code impractical and that the modification is in compliance with the intent and purpose of this building code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the Department of Community Development.

9. **105.2 Work exempt from permit.** Permits shall not be required for the following work. ~~Exemptions from the permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Village Code or any other laws or ordinances of the Village.~~

a. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

b. Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.

c. Prefabricated swimming pools accessory to a detached one and two family residential dwellings, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.

d. Swings and other playground equipment accessory to detached one- and two-family dwellings.

Exemptions from the permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Village Code or any other laws or ordinances of the Village.

10. ~~107.2.2~~ ~~106.1.1.1~~ **Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this building code, all other applicable provisions of the Village Code and the construction documents, and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code, ~~2003-2009~~ Edition.

~~11. 106.3.2 Previous approvals. This code shall not require changes in the construction documents, the construction or the designated occupancy of a structure for which a lawful permit has heretofore been issued or otherwise lawfully authorized, and for which construction has been pursued in good faith within six months after the effective date of this code and has not been abandoned.~~

~~12. 107.3 Temporary power supply. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code 2002 Edition, and in Section 13.08,210 and Section 15.32.140(D)(3) of the Village Code.~~

~~11. 13. 113.21 112.1~~ **General.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

~~12. 14. 115.2.1 114.2.1~~ **Stop work order policy.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.)

~~13. 15. 406.1.4.4~~ **Separation.** The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.

14. 903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards reference in Section 903.3.1. of the International Building Code, 2009 Edition. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the State of Illinois Plumbing Code, 2004 Edition. Hydrant water flow data used for the design of any sprinkler system shall be witnessed by the Fire Department and shall be no more than six (6) months old.

~~15. 16.~~ **903.4.2 Alarms.** Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. An outside audio/visual device shall be provided and shall be located above the fire department connection.

~~16. 17.~~ **903.4.2.1 Alarm-indicating devices.** All sprinklered buildings shall be provided with audio/visual alarm-indicating devices. The alarm-indicating devices shall be of a sufficient number and power to be seen and heard in all areas of ~~every~~ the building.

~~17. 18.~~ **903.4.2.2 Test Valves.** Fire sprinkler system inspector test valves shall be accessible at all times and shall be located no more than 6 feet above the finished floor. On multiple riser systems, each test valve shall be marked to identify which riser and area it tests.

~~18. 19.~~ **903.4.3 Floor control valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings. In multiple story buildings, floor control valves with water flow and tamper switches shall be provided for each floor.

~~19. 20.~~ **903.6 Safety Factor.** Provide a minimum 10% safety factor in the fire protection system hydraulic calculation. The system demand shall be 10% minimum below the seasonal low water flow test supply.

~~20. 21.~~ **903.7 Hydraulic nameplate.** By each hydraulically calculated area, on each drawing, provide a copy of the hydraulic nameplate.

~~21. 22.~~ **903.8 NFPA standards.** The ~~appendixes~~ appendices of all NFPA standards are to be considered as part of each standard and are considered a “shall” requirement and not “should” information.

~~22. 23.~~ **903.9 Fire alarm systems.** All fire alarm systems shall be of the addressable type and shall be installed per ~~NFPA 72, 1999~~ NFPA 72, 2010 Edition.

~~23. 24.~~ **903.10 Quick response sprinklers.** All offices, assembly, and residential buildings and areas, except for one- and two- family residential buildings, shall be provided with residential and/or quick response sprinklers.

~~24. 25.~~ **905.3.1 Building height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. Notwithstanding the foregoing, standpipes shall be required in all buildings that are more than two (2) stories high and/or more than two (2) stories below grade.

~~26. 903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the State of Illinois Plumbing Code, 2004 Edition. Hydrant water flow data used for the design of any sprinkler system shall be witnessed by the Fire Department and shall be no more than six (6) months old.~~

~~25. 27. 907.2 Where required. An approved manual fire alarm system shall be provided in all use groups, except as specified in Section 907.2.6 of this code, and except for single family detached dwellings. All fire alarm control panels and annunciators shall be installed in locations approved by the Fire Department. All fire alarm panels and annunciator shall be keyed or under a protective plastic locked cover to prevent tampering.~~

~~26. 907.2.11.1.4 Group R-1. Smoke detectors shall be installed at the top of every stairwell used for exiting.~~

~~27. 907.2.11.2.4 Groups R-2, R-3, R-4 and I-1. In the R-Use Groups, smoke detectors shall be installed at the top of every stairwell used for exiting.~~

28. **1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with this building code, the State of Illinois Accessibility Code, 1997 Edition, and ICC A117.1.

29. **2302.1.2.1 Fire Protection.** Where prefabricated wood I-joists are used for floor and ceiling assemblies in finished or unfinished spaces or areas in one- or two-family dwellings, these assemblies shall be separated from adjacent spaces or areas by fire-resistant material capable to resist a fire exposure equivalent to one-hour or more in accordance with fire test procedures as set forth in ASTM E119, as well as in accordance with Underwriters Laboratories (UL) or Factory Mutual (FM) classification standards. Such separation shall not be required for structures that are fully equipped with an automatic sprinkler system designed and installed in accordance with NFPA 13, 2010 Edition.

30. **2603.2.1 Third Party Approval.** No foam plastic insulation shall be unless it has been approved by a nationally recognized independent testing agency, such as Underwriters Laboratories or Factory Mutual.

31. **3306.9.1 Barriers.** Prior to commencing any work under a permit that includes the authorization of demolition, excavation, construction of a new structure and/or construction of an addition to an existing structure, the applicant shall erect a fence to enclose the site in a location and manner approved by the building official. The fence shall be no less than six (6) feet in height and shall be located at least 18 inches ~~off from~~ any public sidewalk. The fence shall be permanently secured in the ground, and shall remain in place until the building official approves its removal. When there are no construction personnel at the site, any gate or opening in the fence shall be closed and secured with a lock.

(MC-7-2011, Amended, 12/6/2011; MC-5-2009, Amended, 05/05/2009; MC-03-2005, Added, 06/21/2005)

**SECTION 14:** Section 15.08.030, “Amendments to the International Residential Code for One- and Two-Family Dwellings, 2003 Edition,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.030 Amendments to the International Residential Code for One- and Two-Family Dwellings, ~~2009~~ 2003 Edition**

A. **Exclusions.** The following provisions of the International Residential Code for One- and Two-Family Dwellings, ~~2009~~ 2003 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **105.5 Expiration.** (Superseded by Section 15.32.190 of this code.)
2. **105.7 Placement of permit.** (Superseded by Section 15.32.180 of the Village Code.)
3. **106.2 Site plan.** (Superseded by section 15.32.050 of the Village Code.)
4. **106.3.1 Approval of construction documents.** (Superseded by Sections 15.32.090 and 15.32.100 of the Village Code.)
5. **108.2 Schedule of permit fees.** (Superseded by Section 15.32.020 of the Village Code.)
- ~~6. **108.6 Surety Bond Requirement.** (Superseded by Section 15.32.060 of the Village Code.)~~
- ~~6. **108.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)~~
7. ~~108.6~~ **108.4 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
- ~~8. **108.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)~~
- ~~8. 9.~~ ~~109.1.6~~ ~~109.3.10~~ **Final inspection.** (Superseded by Section 15.32.160.)
- ~~9. 10.~~ **110.4 Temporary occupancy.** (Superseded by Section 15.36.010 of the Village Code.)
- ~~10. 11.~~ **310.4 Bars, grills, covers and screens.**
- ~~11. **313.2 One- and two-family dwellings automatic fire system.**~~
12. **402.1 Wood foundations.**
13. **404.2 Wood foundation walls.**

~~14. **1003.12 Mantel and trim.** Woodwork or other combustible materials shall not be placed within 6 inches on either side of a fireplace opening or 12 inches above a fireplace opening. No combustible mantel shall be installed less than 21 inches from the top of the fireplace opening.~~

14. **1001.11 Fireplace clearance.**

15. **Part VII — Plumbing.** Chapters 26 through 32

16. **Part VIII — Electrical.** Chapters 33 through 42.

B. **Amendments.** The following provisions of the International Residential Code for One- and Two- Family Dwellings, ~~2009 2003~~-Edition, are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the International Residential Code for One- and Two- Family Dwellings, ~~2009 2003~~-Edition, as adopted and amended by the Village, “this code” shall mean the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka shall be called the “Dwelling Code.”

2. **101.2 Scope.** The provisions of this Dwelling Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and attached single-family dwellings (townhouses) that are not more than three stories in height and that have a separate means of egress and their accessory structures.

3. **102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this Dwelling Code shall be permitted to continue without change, except as is specifically provided in this code, including this Dwelling Code and the International Fire Code, ~~2009 Edition~~, as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

4. **103.1 Creation of enforcement agency.** The Department of Community Development ~~is~~ created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code and the Director of Community Development shall be known as the building official.

5. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

6. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

7. **105.2 Work exempt from permit.** Permits shall not be required for the following work. Exemptions from the permit requirements of this Dwelling Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the Village.

a. Buildings:

i) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

ii) Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.

iii) Prefabricated swimming pools accessory to a detached one- and two-family residential dwellings, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) (~~18,925 L~~) and are installed entirely above ground.

b. Electrical:

i) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

~~c. Gas:~~

~~i) Portable heating, cooking or clothes drying appliances.~~

~~ii) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.~~

~~iii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.~~

c. Mechanical:

i) Portable heating appliance.

ii) Portable ventilation appliances.

iii) Portable cooling unit.

iv) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

v) Portable evaporative cooler.

vi) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

vi) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

d. Plumbing:

i) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

ii) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

8. **112.1 General.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

9. **114.1 Notice to owner; stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.)

10. **115.1 Prefabricated Construction.** A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. No element of any prefabricated assembly shall be concealed prior to inspection and approval by the building official. All elements of any prefabricated assembly shall be readily accessible for inspection at the permit site. Prefabricated assemblies shall be inspected at the building site by the building official as required by this code.

11. 309.5 Separation required. The garage shall be separated from the residence and its attic area by not less than ½-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than ½-inch (12.7 mm) gypsum board or equivalent. The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.

12. 11-310.4.1 Bars, grills, covers and screens on window wells. All window wells, whether to be used as emergency escape or rescue openings or not, shall be fitted with bars, grills, covers, screens, railings or similar devices. All shall be operable from the side of the egress without the use of a key, tool or special knowledge.

~~12. 309.2 Separation required.~~ The garage shall be separated from the residence and its attic area by not less than 1/2-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent. The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.

13. ~~316.6~~ **314.3 Specific approval.** ~~Plastic foam~~ Foam plastic not meeting the requirements of Sections ~~R316.3 through R316.5~~ R314.1 and R314.2 may be specifically approved on the basis of one of the following approved tests: ~~ASTM E 84, FM 4880, UL 1040, NFPA 286, ASTM E 152, or UL 1715, NFPA 286 with the acceptance criteria of Section R320.9.4, FM4880, UL 723, UL 1040 or UL 1715,~~ or fire tests related to actual end-use configurations. ~~The specific approval may be based on the end use, quantity, location and similar considerations where such tests would not be applicable or practical.~~ Any foam plastic insulation must be approved by an independent testing agency, either Underwriters Laboratories or Factory Mutual. The specific approval shall be based on the actual end use configuration and shall be performed on the finished foam plastic assembly in the maximum thickness intended for use. Assemblies tested shall include seams, joints, and other typical details used in the installation of the assembly and shall be tested in the manner intended for use.

~~14. 403.1 General.~~ All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. All footings shall have a minimum of two (2) Number Five (5) reinforcement bars that shall be placed at the perimeter of all concrete monolithic slabs with integral footings

~~14. 15. 404.1.1.1~~ **Masonry foundation walls.** Concrete masonry and clay masonry foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) and shall also comply with ~~the provisions of this section and~~ the applicable provisions of Sections R606, R607 and R608. In buildings assigned to Seismic Design Categories D0, D1 and D2, ~~concreted~~ masonry and clay masonry foundation walls shall also comply with Section ~~R404.1.1, R404.1.4,~~ but with not less than two (2) Number Five (5) reinforcement bars placed at the top and bottom of any concrete trench, belle, grade beam or formed foundation wall. Rubble stone masonry foundation walls shall be constructed in accordance with Sections R404.1.8 and R606.2.2. Rubble stone masonry walls shall not be used in Seismic Design Categories D0, D1 and D2.

15. N1101.2 Compliance. Compliance shall be demonstrated by ~~either meeting the requirements of the most recent edition of the International Energy Code or meeting the requirements of this chapter.~~ Climate zones from ~~Figure N1101.2 or Table 1101.2~~ Figure

**R301.1 or Table R301.1 of the most recent edition of the *International Energy Code* shall be used in determining the applicable requirements from this chapter.**

**16.-2501.2 Application.** In addition to the general administration requirements of Chapter 1 of the Dwelling Code, the administrative provisions of this chapter 2501 of the Dwelling Code shall also apply to the plumbing requirements of the State of Illinois Plumbing Code, 2004 Edition.

**17.-2501.3 Authority.** These rules are promulgated pursuant to authority granted by Section 35 of the Illinois Plumbing License Act (225 ILCS 320/35).

**18. 2501.4 Applicability.** These rules govern the design and installation of new plumbing or plumbing systems and the alteration of existing plumbing systems. They apply to all new construction and any remodeling or renovation that alters, renovates or replaces existing plumbing or plumbing systems. These rules do not apply to existing buildings unless the plumbing or plumbing system is being altered, the building use is being changed or the existing plumbing creates a health or safety hazard.

a. If an existing building is changed from one use to another or from one classification to another, as provided in Appendix A, Table B, (Illinois State Plumbing Code 2004 Edition), it shall be treated as a new building and shall comply with the requirements of this Part for its new use or occupancy.

b. Regardless of the age of the building, where a health or safety hazard exists because of an existing plumbing installation or lack thereof, the owner or his agent shall install additional plumbing or make such corrections as may be necessary to abate the hazard or violation of this part.

**19.-Part VIII — Electrical.** The provisions of the National Electrical Code, ~~2008 2002~~ Edition, as adopted by reference ~~and amended as provided~~ in this ~~chapter Section Chapter~~ 15.08, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(MC-5-2009, Amended, 05/05/2009; MC-3-2005, Added, 06/21/2005)

**SECTION 15:** Section 15.08.040, “Amendments to the International Mechanical Code, 2003 Edition,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.040 Amendments to the International Mechanical Code, ~~2009 2003~~ Edition.**

A. **Exclusions.** The following provisions of the ~~2009 2003~~-International Mechanical Code are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

- 1. 104.4 Inspections.** (Superseded by Section 15.32.160 of the Village Code.)

2. **106.4.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
3. **106.5.1 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
4. **106.5.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)
5. **106.5.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)

B. **Amendments.** The following provisions of the ~~2009 2003~~-International Mechanical Code are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Mechanical Code of the Village of Winnetka. As used in the International Mechanical Code, ~~2009 2003~~-Edition, as adopted and amended by the Village, “this code” shall mean the Mechanical Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Mechanical Code of the Village of Winnetka shall be called the “Mechanical Code.”

2. **103.1 General.** The Department of Community Development ~~is~~ created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.

3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

4. **108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.)

5. **109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

6. **301.8 Plumbing connections.** Potable water supply and building drainage system connections to equipment and appliances regulated by this code shall be in accordance with the State of Illinois Plumbing Code 2004 Edition.

7. **Chapter 15 Referenced Standards.**

- a. SIPC-2004, State of Illinois Plumbing Code 2004 Edition.
- b. ~~NEC-2008, NEC-2002,~~ National Electrical Code ~~2008 2002~~-Edition.

(MC-5-2009, Amended, 05/05/2009; MC-3-2005, Added, 06/21/2005)

**SECTION 16:** Section 15.08.050, “Amendments to the International Fuel Gas Code” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.050 Amendments to the International Fuel Gas Code, 2009 Edition.**

A. **Exclusions.** The following provisions of the International Fuel Gas Code, 2009~~2003~~ Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **106.4.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
2. **106.5.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)
3. **106.5.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)
4. **403.6 Plastic pipe, tubing and fittings.**
5. **403.11 Plastic pipe, joints and fittings.**

B. **Amendments.** The following provisions of the International Fuel Gas Code, 2009~~2003~~-Edition, are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Fuel Gas Code of the Village of Winnetka. As used in the International Fuel Gas Code, 2009~~2003~~-Edition, as adopted and amended by the Village, “this code” shall mean the Fuel Gas Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Fuel Gas Code of the Village of Winnetka shall be called the “Fuel Gas Code.”

2. **103.1 General.** The Department of Community Development ~~is~~ created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.

3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

4. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

5. **108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.)

6. **109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of

this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code

7. **624.1.1 Installation requirements.** The requirements for water heaters relative to sizing, relief valves, drain pans and scald protection shall be in accordance with the State of Illinois Plumbing Code 2004 Edition.

8. **Chapter 7 Referenced Standards.**

- a. SIPC-2004, State of Illinois Plumbing Code 2004 Edition – Section 624.1.1
- b. ~~NEC-2008, NEC-2002~~, National Electrical Code ~~2008 2002~~ Edition

(MC-5-2009, Amended, 05/05/2009; MC-3-2005, Added, 06/21/2005)

**SECTION 17:** Section 15.08.060, “Amendments to the State of Illinois Plumbing Code, 2004 Edition” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.060 Amendments to the State of Illinois Plumbing Code, 2004 Edition**

A. **Exclusions.** The following provisions of the State of Illinois Plumbing Code, 2004 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **Table A, “Approved Materials for Building Sewers”** is amended by deleting the following ~~items: Items 2, 5, 8 and 9:~~

- ~~a. 2) Asbestos Cement Pipe.~~
- ~~b. 5) Concrete Pipe~~
- ~~c. 8) Vitrified Clay Pipe~~
- ~~d. 9) Solder~~

2. **Table A, “Approved Materials for Water Service Pipe”** is amended by deleting the following ~~items: Items 1 and 4:~~

- ~~a. 1) ABS Pipe~~
- ~~b. 4) CPVC Pipe~~

3. **Table A, “Approved Materials for Water Distribution Pipe”** is amended by deleting the following Items 2, 7 and 8:

- ~~a. 2) CPVC Pipe~~
- ~~b. 7) Poly Butylene Pipe~~

c. 8) PVC Pipe

B. **Amendments.** The following provisions of the State of Illinois Plumbing Code, 2004 Edition, are amended for adoption by the Village:

1. **Section 890.110, General Regulations** is amended by adding the following subsection (c):

**890.110 (c) General Regulations.** Plumbing and drainage systems in all buildings, public and private, shall be installed in accordance with the provisions of this ordinance by a licensed plumber in accordance with the provisions of the State of Illinois Plumbing License Law. If a plumbing contractor is found to be using unlicensed plumbers, the contractor's plumbing permit will be revoked

2. **Section 890.120 Definitions** is amended by adding the following definition :

“Plumbing Code.” The Illinois State Plumbing Code, 2004 Edition, as adopted and amended by the Village, shall be known as the Plumbing Code of the Village of Winnetka. As used in the Illinois State Plumbing Code, 2004 Edition, as adopted and amended by the Village, the terms “Part” or “this code” shall mean the Plumbing Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Plumbing Code of the Village of Winnetka shall be called the “Plumbing Code.”

C. **Additions.** The State of Illinois Plumbing Code, 2004, is further amended for adoption by the Village by adding the following provisions:

1. **Potable Water.** Type L copper piping shall be used for potable water.
2. **Couplings.** Heavy duty 4 band couplings must be used with no hub soil pipe.
3. **Plumbing Walls.** Plumbing walls where stacks are located must be built ~~of~~with not less than 2 x 6 framing ~~at a minimum~~.
4. **Primer.** Purple primer must be used on all PVC piping.
5. **Testing.** Gas tests are required if any existing gas lines have been moved.
6. **Water Service.** For all new construction, including additions and substantial remodeling a minimum 1 inch copper water service is required.
7. **Existing Conditions.** All nonconforming plumbing installations or materials discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.
8. **Inspections.** Inspections shall be subject to the provisions of Section 15.20.050 of this chapter.

~~9. Below grade construction. Construction with basements, or with floors, rooms or occupancy areas below grade, shall comply with the provisions of section 15.20,060 of this chapter.~~

~~9. 10. Inspections.~~

a. Inspections Required. All plumbing work shall be done by licensed plumbers or sewer contractors and shall be subject to the inspection and approval of the Director of Community Development, or the plumbing inspector under the supervision of the Director of Community Development. ~~The~~ The plumbing contractor shall be on site when the rough plumbing inspection is conducted.

b. Testing by Plumbing Inspector. All plumbing work shall be tested by the plumbing inspector, in accordance with this code, while all pipes are uncovered in every part. A water test shall be applied to the drainage system in its entirety, or in sections, as completed. A water pressure test for plumbing work shall be applied by closing the lower end of the vertical pipes and filling the pipes to the highest opening above the roof with water. Special provision shall be made to include all joints and connections to the finished line or face of floors or side walls, so that all vents or revents, including lead work, may be tested with the main stacks. The house drain inside any building shall be tested by closing up the drain at the point where it leaves the building, using the clean out wye provided for, and filling the pipes inside the building with water to a height of a least two feet above the highest point of the drainage system.

c. Water Supply for Testing. Licensed plumbers will be allowed to leave the water turned into pipes for forty-eight (48) hours after completing any work for the purpose of testing the same, at the end of which time they shall immediately cut off the supply, unless otherwise instructed by the Director of the Water and Electric Department. Plumbers are prohibited from turning water on from any service pipe for any other purpose, except on the order of or permission from the Water and Electric Department.

d. Additional Inspections. All plumbing work shall be subject to such further inspections and tests as shall be required by the rules and regulations of the Water and Electric Department of the Village.

(Prior code § 23.49)

~~10. 11. Overhead sewers and other protective measures below ground level. All buildings constructed after December 31, 1970 with basements, floors, rooms or occupancy areas below grade and served by a public or private sewer system shall have overhead plumbing with ejector pumps.~~

(Prior code § 23.50)

(MC-3-2005, Added, 06/21/2005)

**SECTION 18:** Section 15.08.070, “Amendments to the National Electric Code, 2008 ~~2002~~ Edition” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.070 Amendments to the National Electric Code, 2008 ~~2002~~-Edition**

A. **Exclusions.** The following provisions of the National Electric Code, 2008 ~~2002~~ Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

- ~~1. **80.2 Definitions.** The definition of Chief Electrical Inspector is deleted.~~
- ~~2. **80.15 Electrical Board.** Delete subsections (A) (B) (C) (D) (E) (F) and (H).~~
- ~~3. **80.19(D) Annual Permits.**~~
- ~~4. **80.19(F)(3) Inspections.**~~
- ~~5. **80.19(F)(4) Approvals.**~~
- ~~6. **230. II Overhead Service-drop conductors.**~~
- ~~7. **320 Armored Cable: Type AC.** Delete entire Article.~~
  - ~~1. **8. Article 322 Flat Cable Assemblies: Type FC.** Delete entire Article.~~
  - ~~2. **9. Article 324 Flat Conductor Cable: Type FCC.** Delete entire Article.~~
  - ~~3. **10. Article 334 Nonmetallic-sheathed Cable: Types NM, NMC and NMS.** Delete entire Article.~~
  - ~~4. **11. Article 338 Service-Entrance Cable: Types SE and USE.** Delete entire Article.~~
  - ~~5. **12. Article 340 Underground Feeder and Branch-Circuit Cable: Type UF.** Delete entire Article.~~
- ~~13. **360 Flexible Metallic Tubing: Type FMT.** Delete entire Article.~~
- ~~6. **14. Article 362 Electrical Nonmetallic Tubing: Type ENT.** Delete entire Article.~~
- ~~7. **15. Article 394 Concealed Knob and Tube Wiring.** Delete entire Article.~~
- ~~8. **16. Article 396 Messenger Supported Wiring.** Delete entire Article.~~
- ~~9. **17. Article 547 Agricultural Buildings.** Delete entire Article.~~
10. **Article 550 Mobile Homes, Manufactured Homes, and Mobile Home Parks.**

~~11. 18. **Article 551 Recreational Vehicles and Recreational Vehicle Parks.** Delete entire Article.~~

~~19. **552 Park Trailers.** Delete entire Article.~~

~~12. 20. **Article 553 Floating Buildings.** Delete entire Article.~~

~~13. **Annex H Administration and Enforcement** is amended by deleting the following sections:~~

~~a. **80.2 Definitions.** Chief Electrical Inspector.~~

~~b. **80.15 Electrical Board.** Delete subsections (A) (B) (C) (D) (E) (F) and (H).~~

~~c. **80.19(D) Annual Permits.**~~

~~d. **80.19(F)(3) Inspections.**~~

~~e. **80.19(F)(4) Approvals.**~~

~~f. **230. II Overhead Service-drop conductors.**~~

~~g. **320 Armored Cable: Type AC.** Delete entire Article.~~

B. **Amendments.** The following provisions of the National Electric Code, ~~2008-2002~~ Edition, are amended for adoption by the Village:

1. ~~90.0~~ **80.0 Title.** These provisions shall be known as the Electric Code of the Village of Winnetka. As used in the National Electric Code, ~~2008-2002~~ Edition, as adopted and amended by the Village, “this code” shall mean the Electric Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Electric Code of the Village of Winnetka shall be called the “Electric Code.”

~~2. **80.15 Electrical Board, subsection (G) Appeals,** is amended to provide:~~

~~(G) — Appeals — Review of Decisions. Any person, firm, or corporation may register an appeal with the Building and Zoning Board of Appeals for a review of any decision of the Electrical Inspector, provided that such appeal is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, the Building and Zoning Board of Appeals shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action of the Electrical Inspector complies with this law and, within fifteen (15) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.~~

~~2. **80.27(B)(3) Experience.** Be well versed in the National Electric Code 2002 Edition and the amendments hereto.~~

~~3. **80.27(D) Revocation and Suspension.** The Director of Community Development or the Village Manager shall have the authority to revoke or suspend an inspector's authority to conduct inspections.~~

~~4. **110.14 (A) Terminals.** Connection of conductors to terminal parts shall insure a thoroughly good connection without damaging the conductors and shall be made by means of pressure connectors (including set screw type), solder lugs, or splices to flexible leads. Connection by means of wirebinding screws or studs and nuts that have upturned lugs or the equivalent shall be permitted for 10 AWG or smaller conductors.~~

~~Terminals for more than one conductor, and terminals used to connect aluminum, shall be so identified.~~

~~No more than one (1) conductor shall be connected and/or installed to a single screw terminal on an electrical device,~~

~~2. **5. 200.11 200.10 Use and Identification of Grounded Conductors, Outlets, Switches and Receptacles.** All garage outlets shall be located not less than forty-two (42) inches above the finished floor.~~

Switches and receptacles in bathrooms shall be located in a minimum of thirty (30) inches from the inside edge of a tub or shower measured horizontally at the floor line. Lighting fixtures above, or within two feet of the inside of the tub edge, must have GFCI protection.

Grounded conductors shall be at least the same size as the ungrounded conductors of the same circuit.

~~3. **210.52 (E)(3)(a) Balconies, Decks, and Porches.** Receptacle outlet is required at all balconies, decks, and porches that are accessible from inside of a dwelling, regardless of the size of the balcony, deck, or porch.~~

~~6. **210.8 Ground-Fault Circuit Interrupter Protection of Personnel—Pumps.** Sump pumps and ejector pumps shall be on a dedicated 20 amp circuit with a single head receptacle (not GFCI protected).~~

~~4. **7. Section 210.52(G) 210.50(G) Basements and Garages.** For a one-family dwelling, at least one receptacle outlet, in addition to any provided for laundry equipment, shall be installed in each basement and in each attached garage, and in each detached garage with electric power. See 210.8 (A) and (A) (5). Where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion shall have a receptacle outlet installed in accordance with the section.~~

A minimum of one (1) switched lighting fixture shall be installed in the immediate area of the top stair tread of all staircases leading to basement areas. A minimum of one (1) switched lighting fixture shall be installed in the area of the lower most stair tread of all staircases that lead to the basement areas.

~~5. 8. 220.2(B)(11) Branch Circuit, Feeder and Service Calculations, Computations. 210.52(I) Other Outlets.~~ Other outlets not covered in 220.3(B) (1) through (10) shall be computed based on 180 volt-amperes.

In dwelling occupancies dishwashers and disposals shall have separate disconnecting means under the sink cabinet.

A separate circuit shall be provided for all heating and air conditioning units.

Receptacle outlets adjacent to kitchen sinks may be located a maximum of three feet from the edge of the sink bowl.

~~6. 9. 230.1 (A) Services, Scope – Overhead or Exposed Wiring.~~ No overhead or exposed wiring on the exterior of buildings shall be installed except for main service conduits and wiring runs of four feet or less to freestanding cooling units and connections to underground wiring. In all such cases, rigid metal conduit shall be used, except that, where flexible connections are required, liquid tight or flexible metal conduit with a green equipment ground wire may be used.

~~7. 10. 230. VI Service Equipment – Disconnecting Means.~~ All new single family detached ~~swellings-dwellings~~ shall have a minimum 200 amp single phase service with the main disconnect located at the meter.

~~8. 11. 230.70 (A) Location.~~ The service disconnecting means shall be installed in accordance with 230.70 (A) (1), (2) and (3). The location of outside meters for single family dwellings must be determined prior to installation by the Water and Electric Department.

Meter pedestals must be installed so that the center of the meter is located between 48 ~~to and~~ 66 inches ~~as measured~~ from the adjacent finished grade.

~~9. 12. 300.1(D) Underground Wiring.~~ All underground wiring in buildings, including wiring in sub-grade floors, shall be installed in rigid metal conduit. Rigid nonmetallic conduit may be used underground outside of buildings.

All interior wiring not required to be flexible and all basement wiring shall be installed in intermediate metal or rigid metal conduit or electrical metallic tubing.

~~10. 13. 310.14 Aluminum Conductor Material.~~ No aluminum or copper-clad aluminum wire shall be used, except as approved for service to an electrical meter.

~~11. 14. 408.31 Busbars.~~ Copper bus shall be used in switchboard, panel boards and meter socket enclosures containing more than four sockets.

~~12. 15. 410.16(C)(6) 410.8(D)(5) Luminaries (Fixtures) in Clothes Closets.~~ In dwelling units, all closets that are at least twenty-three (23) inches deep and all utility rooms and pantries, shall be illuminated.

~~13. 16. 680.3 Swimming Pools, Fountains and Similar Installations, Other Articles.~~ Except as modified by this article, wiring and equipment in or adjacent to pools

and fountains shall comply with other applicable provisions of this Code, including those provisions identified in Table 680.3. All controls, pumps or lights for a swimming pool, sauna, hot tub or hydro massage bathtubs shall not be used without GFCI protection. All underwater lights shall be twelve (12) volts.

**14. Annex H Administration and Enforcement, Section 80.15 Electrical Board, Subsection (G) Appeals, is amended to provide:**

(G) Appeals - Review of Decisions. Any person, firm, or corporation may register an appeal with the Building and Zoning Board of Appeals for a review of any decision of the Electrical Inspector, provided that such appeal is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, the Building and Zoning Board of Appeals shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action of the Electrical Inspector complies with this law and, within fifteen (15) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.

**15. Annex H, Administration and Enforcement, Section 80.27, Inspector's Qualifications, Subsection B(3) and (D) are amended to provide:**

**80.27(B)(3) Experience.** Be well versed in the National Electric Code 2002 Edition and the amendments hereto.

**80.27(D) Revocation and Suspension.** The Director of Community Development or the Village Manager shall have the authority to revoke or suspend an inspector's authority to conduct inspections.

C. **Additions.** The National Electric Code, ~~2008~~ 2002 Edition, is further amended for adoption by the Village by adding the following provisions:

1. **Nonconforming Installations.** All nonconforming electrical installations or matters discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.

2. **Removal of Abandoned Materials.** All abandoned wiring, conductors, conduit systems, raceways, junction boxes, electrical devices, electrical materials, ~~and/or~~ equipment, ~~ete,~~ and the like, shall be completely removed prior to a final electrical inspection.

3. **Circuit Wiring.** Circuits wired with AWG #14 wire, shall be limited to eight (8) outlets or receptacles for general lighting connected to a single circuit. Circuits wired with AWG #12 wire, shall be limited to ten (10) outlets or receptacles for general lighting connected to a single circuit.

4. **Wire Size.** Minimum wire size requirements for any installation other than residential shall be AWG #12. Devices and receptacles shall be twenty (20) amp rated.

5. **Conductor Installation.** Conductors shall not be installed in any raceway, until wall finishes are applied or mechanical work has been completed with the consent of the electrical inspector.

6. **Minimum Box Size.** Minimum sizes for boxes for general lighting outlets shall be ~~1½ 1-1/2~~ inches deep and ~~3¾ 3-3/4~~ inches in diameter. Minimum size boxes for switch and receptacles shall be ~~1½ 1-1/2~~ inches deep and 4 inches square.

7. **Box Installations.** Back to back box installations shall not be permitted in any case.

8. **Light Switches.** Stairways, hallways, passageways, corridors, garages, rooms or other areas with more than one (1) entry shall have a sighting outlet switched from all exits and entries.

9. **Materials and Equipment.** New materials and/or equipment must be used on all installations.

10. **Final Inspections.** For final inspection purposes, all light fixtures shall have at least one (1) bulb or lamp in each fixture.

11. **Remodeling.** Existing buildings or structures that either are scheduled for remodeling and/or additions; or have been vacated and made available to new tenants; shall, prior to occupancy, be required to remove existing electrical equipment and materials that will not be used; or that are determined not to conform to the currently adopted code requirements of the Village of Winnetka. Existing wiring, materials and equipment shall be in good condition, without actual or potential hazards or in an unsafe condition. Hazardous or unsafe conditions include, but are not limited to the following: open boxes, unstable raceways, frayed wiring, dried out/flaking insulation on conductors, improper connections, burned or defective contacts, overloaded circuits, insufficient number of circuit breakers/fuses, defective main breaker/bus bar, non-listed or labeled fixtures or devices or other similar unsafe conditions, and shall be replaced, removed or repaired as provided for by the provisions of the code. Unusable electrical systems and devices in good condition, which will provide safe electric service, may remain in place.

~~12. **Low Voltage Wiring – Residential.** Low voltage wiring for control, signaling, or communication systems shall be encased in a raceway throughout.~~

~~12.13.~~ **Smoke Detectors.** In addition to other ~~Village~~ village requirements pertaining to smoke detectors, the following is required:

a. A dedicated circuit shall be provided, which ~~are to~~ shall be permanently wired into a dwelling ~~unit's~~ units electric service;

b. A “lockout” shall be installed on the ~~system's~~ systems circuit protection device to maintain power to the equipment;

c. A separate raceway shall be provided for the ~~system's~~ system's circuit and detector's control wiring, thereby eliminating the interference of circuit conductors and raceways, which may be installed for other equipment or outlets.

d. Attics and/or closets ~~that, which~~ contain mechanical equipment, i.e. heating, ventilating, or cooling equipment, shall contain an approved smoke detector.

e. An automatic fan shutdown device shall be installed in ceiling house fans and attic fans. This shall interconnect the smoke detector system and de-energize the power to the fan thereby discontinuing the induced air-flow from one room to another.

~~13.14.1~~ **Installation of Electric Services.** The Water and Electric Department shall install underground services for all new and modified electrical services. The cost of these services will be determined by ~~the that~~ department and must be paid prior to installation. No overhead electrical services shall be installed. Meter pedestals must be installed so that the center of the meter ~~measures is forty-eight (48) inches high, inched~~ as measured from the adjacent finished grade. Electrical services shall be installed to the most proximate point of the primary structure. All other electrical work shall be performed by a licensed electrician.

~~14.15.~~ **Inspections.** All electrical work shall be subject to the inspection and approval of the Director of Community Development, or the electrical inspector under the supervision of the Director.

(MC-5-2009, Amended, 05/05/2009; MC-3-2005, Added, 06/21/2005)

**SECTION 19:** Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is hereby amended by adding a new Section 15.08.090, which shall be titled “Amendments to the International Energy Conservation Code, 2012 Edition,” and shall provide follows:

**Section 15.08.09060 Amendments to International Energy Conservation Code, 2012 Edition.**

**A. Exclusions.** The following provisions of the International Energy Conservation Code, 2012 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

- 1. 104.3 Final inspection.** (Superseded by Section 15.32.160 of the Village Code.)
- 2. 107.1 Fees.** (Superseded by Section 15.32.020 of the Village Code.)
- 3. 107.3 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
- 4. 107.5 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)

**B. Amendments.** The following provisions of the International Energy Conservation Code, 2012 Edition, are amended for adoption by the Village.

- 1. 101.1 Title.** These provisions of the International Energy Conservation Code of the Village of Winnetka. As used in the International Energy Conservation Code, 2012 Edition, as adopted and amended by the Village, “this code” shall mean the Energy Conservation Code of the Village of Winnetka. As used in the ordinance and codes published by the Village, the term “this code” shall mean the Winnetka Village Code and the

Energy Conservation Code of the Village of Winnetka shall be called the “Energy Conservation Code.”

2. 108.2 Stop Work Order – Issuance. The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.

3. 109.1 Board of Appeals – General. The Building and Zoning Board of Appeals created by Section 3.44 of the Village Code shall hear and decide appeals of order, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

**SECTION 20:** Section 15.16.010, “Adoption of Codes by Reference” of Chapter 15.16, “Fire Prevention and Life Safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.010 Adoption of codes by reference.**

A. **Adoption of codes by reference.** The model codes described in the following subsections ~~A through D-1~~ 1 through 5 are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

1. International Fire Code, 2009 ~~2003~~-Edition.
2. National Fire Protection Association (NFPA) 101 Life Safety Code, 2009 ~~2000~~ Edition, ~~specifically including all appendices and the standards referred to in the code.~~
3. Standards for the Installation of Automatic Sprinkler Systems, National Fire Protection Association (NFPA) Publication 13, 2010 ~~1999~~-Edition.
4. Standards for the Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 ~~2000~~-Edition.

5. National Fire Alarm Code, National Fire Protection Association (NFPA) Publication 72, 2012 Edition.

[**Drafter’s Note:** NFPA Publication 72 has been added at the request of the Fire Department to clarify that it is one of the model fire codes being adopted by reference. That adoption has been implicit, because of the references throughout the Code to NFPA 72. For example, WVC §8.04.010(A) specifically requires automatic fire alarm and fire detection systems to be installed in compliance with NFPA 72. Also see p. 12, above.]

B. **Rules of construction.** In the event any provision of the codes adopted by reference in this chapter conflict with state law, with any other ordinance of the Village, or with any

other provision of this code, the provision requiring the highest standard for protection of life or property, as determined by the Fire Chief, shall prevail.

(MC-6-2010, § 2, Amended 10/5/2010; MC-3-2005, Amended, 06/21/2005)

**SECTION 21:** Section 15.16.020, “Fire Code” of Chapter 15.16, “Fire Prevention and Life Safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.020 Amendments to the International Fire Code, 2009 Edition.**

A. **Exclusions. Exclusions from International Fire Code, 2003 Edition.**—The following provisions of the International Fire Code, 2009 2003-Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **108.1 Board of appeals established.**
2. **3404.2.13.1.4 Tanks abandoned in place.**

B. **Amendments. Amendments to International Fire Code.**—The following provisions of the International Fire Code, 2009 2003-Edition are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Fire Code of the Village of Winnetka. As used in the International Fire Code, 2009 2003-Edition, as adopted and amended by the Village, “this code” shall mean the Fire Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Fire Code of the Village of Winnetka shall be called the “Fire Code.”

2. **105.3.1 Expiration.**

a. An operational permit shall remain in effect until reissued, renewed, or revoked, or for such a period of time as specified in the permit.

b. The length of time during which any construction permit issued for work under the Fire Code remains in effect shall be determined pursuant to Sections 15.32.190 and 15.32.200 of the Village Code.

(MC-3-2005, Amended, 06/21/2005)

**C. Additions. The International Fire Code, 2009 2010 Edition, is further amended by adding the following new provisions:**

**1. 307.4.3 Outdoor fire sources. fireplaces, grills, or barbecue pits.**

**a. Permanent outdoor fireplaces, grills and barbecue pits. The use of All permanent outdoor fireplaces, grills or barbecue pits shall be located at least fifteen (15) feet from any building or fence. is permitted; provided that, the same are under continuous competent supervision and such fireplace, grill or barbecue pit is shall be located at least fifteen (15) feet from any building or fence.**

b. Fire pits. Fire pits shall be located at least ten (10) feet from any combustible material and at least ten (10) feet from any property line. No fire pit shall be placed in any location that may cause any building fire alarm to activate or that otherwise creates a hazardous condition. No fire pit shall be used within located ten (10) feet of any combustible material, or within ten (10) feet of any property line. No fire pit shall be used in such a manner or location that it causes any building fire alarm to activate or that it otherwise creates a hazardous or objectionable condition. The code official is authorized to order the extinguishment of a fire in a fire pit that is creating a hazardous or objectionable condition.

(Prior code § 26.11; §8.08.030)

[**Drafter’s Note:** The revisions to this provision correspond to those made to WVC §8.08.030 in Section 10, above at p. 6. As this Ordinance was originally drafted, this provision was relocated in its entirety from WVC §8.08.030, retitled, and amended by adding a subsection addressing fire pits. The further revisions are intended to clarify that the provision here, which is an amendment to the International Fire Code, pertains to construction activity, while WVC §8.08.030 addresses personal conduct in the use of these outdoor fire devices.]

2. **505.3 Premise identification – rear and side access.** All buildings except for single and two-family dwellings shall have their address posted on any rear and/or side door. The signage shall include the address, the name of the street and business name or building name. The sign shall be installed at a height of approximately five feet (5’) above the standing surface. The sign shall be installed immediately to the side of the door so it is visible with the door in the open or closed position. All other installation locations shall be approved by the fire chief or his designee.

3. **607.5 Elevator size.** Any elevator installation shall be designed to accommodate an ambulance stretcher, in a horizontal position, plus two (2) attendants.

**SECTION 22:** Section 15.16.030, “Life Safety Code” of Chapter 15.16, “Fire Prevention and Life safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.030 Amendments to the NFPA 101 Life Safety Code, 2009 Edition.**

A. **Amendments.** The following provisions of the NFPA 101 Life Safety Code, 2009 Edition are amended for adoption by the Village.

1. **1.1.1 Title.** ~~Title.~~—The NFPA 101 Life Safety Code, ~~2009~~ 2000-Edition, shall be known as the Life Safety Code of the Village of Winnetka.

2. **1.3 Application.** ~~B.~~—Applicability of Life Safety Code.

**1.3.1** ~~1.~~—Building alterations or construction. All additions and alterations to existing buildings, and all construction of new buildings, shall comply with the provisions of the Life Safety Code.

~~1.3.5 2.~~—Restoration of damaged buildings. Whenever any existing building is damaged by fire or other cause to the extent that the cost of restoration to its condition immediately prior to the occurrence shall exceed fifty (50) percent of the cost of the restoration of the entire building new or whenever alterations or additions are made to any existing building which are equivalent to more than fifty (50) percent of the value of such building, the construction or alteration shall include all changes necessary to bring the building into conformity with the Life Safety Code. Costs determined under this paragraph shall be determined in the same manner such costs are determined for nonconforming buildings under chapter 17.64 of this code.

~~C. Elevators. Any elevator installation shall be designed to accommodate an ambulance litter, in horizontal position, plus two attendants.~~

~~3. 7.2.1.4.2.1 E.~~—Exit Doors. Exit doors shall be installed to swing with exit travel, irrespective on the number of persons served, in any building used for an occupancy described in subsection A of Section 15.16.080 of this chapter, except where the Fire Chief has determined that compliance is unreasonably difficult to accomplish and that non-compliance does not pose a life safety hazard. (Prior code § 26.05)

(Prior code § 26.05)

(MC-6-2010, § 3, Amended 10/5/2010; MC-3-2005, Amended, 06/21/2005)

**SECTION 23:** Section 15.16.040, “Standpipe and Hose Systems” of Chapter 15.16, “Fire Prevention and Life safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.040 Amendments to the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 Edition.**~~Standpipe and hose systems.~~

A. **Amendments.** The following provisions of the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 Edition are amended for adoption by the Village.

1. Title. The Standards for the Installation of Standpipe and Hose Systems, ~~2010 2000~~ Edition, also known NFPA Publication 14, shall be known as Standpipe and Hose System Regulations of the Village of Winnetka.

2. B.—Applicability of Standpipe and Hose System Regulations. A standpipe and hose system, installed in accordance with the standards set forth in Standard for the Installation of Standpipe and Hose Systems, NFPA Publication 14, ~~2010 2000~~ Edition, shall be installed in all buildings, other than one- and two-family dwellings, that are more than two stories in height, regardless of the height of any such buildings measured in linear terms, such as feet or meters.

**SECTION 24:** Section 15.16.050, “Automatic fire extinguishing systems” of Chapter 15.16, “Fire Prevention and Life safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.050** Amendments to the Standards for Installation of Automatic Fire Extinguishing Systems, National Fire Protection Association (NFPA) Publication 13, 2010 Edition.~~Automatic fire extinguishing systems.~~

A. Amendments. The following provisions of the Standards for Installation of Automatic Fire Extinguishing Systems, National Fire Protection Association (NFPA) Publication 13, 2010 Edition are amended for adoption by the Village.

1. Title. The Standards for the Installation of Sprinkler Systems, ~~2010~~ 1999 Edition, also known NFPA Publication 13, shall be known as Automatic Sprinkler Regulations of the Village of Winnetka.

2. Applicability. ~~B. Automatic fire extinguishing systems required.~~ Except as provided in ~~subsection D paragraph 3~~ of this subsection A, automatic fire extinguishing systems, installed in accordance with the standards set forth in NFPA Publication 13, Standard for the Installation of Sprinkler Systems, ~~2010~~ 1999 Edition, or alternate similar fire suppression systems as approved by the Fire Chief, shall be installed in all buildings used for the following occupancies:

- a. 1.—Assembly occupancy used for gathering together six or more persons;
- b. 2.—Any occupancy where there is an activity involving the use of flammable liquids or gases or where flammable or combustible finishes are applied;
- c. 3.—Mercantile occupancy;
- d. 4.—Institutional occupancy;
- e. 5.—Multifamily residential occupancy;
- f. 6.—Educational occupancy;~~or~~
- g. 7.—Business occupancy; or
- h. 8.—Storage occupancy.

[**Drafter’s Note:** The highlighted text was inadvertently omitted in the initial draft. See corresponding correction at page 2, above.]

3. C.—Exceptions. The requirements of the foregoing paragraph 2 ~~subsection B of this section~~ shall not apply where the use or occupancy: (1) is the same as it was prior to the amendment of this section effective on February 15, 1977; (2) has continued without change or, if there has been a change, the change does not increase the hazard to life or property; and (3) does not constitute a distinct hazard to life or property as determined by the Fire Chief. (Prior code § 26.17)

4. D.—Terms. The terms used in this section shall have the same meanings as those terms have in the Fire Prevention Code and the Life Safety Code adopted by this chapter.

**SECTION 25:** Subsection D of Section 15.32.050, “Applications for permit” of Chapter 15.32, “Construction Permits,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

D. Application for Permits for Plumbing Work. All plumbing work shall be performed by, and all applications for permits for plumbing work shall be made by, an Illinois licensed plumber, using forms provided by the Director. A copy of the plumber's license and permit bond shall be placed on file with the Director before any such permit application shall be accepted by the Village. In addition, for each plumbing permit a “Letter of Intent” stating which licensed plumber will be performing the plumbing work must be filed with the Department.

**SECTION 26:** Subsection F of Section 15.32.050, “Construction Documents,” of Chapter 15.32, “Construction Permits,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

F. Construction Documents.

1. General requirements. All applications for a permit shall be accompanied by no less than six (6) two sets of construction documents, two (2) of which shall be signed by the design professional. The construction documents shall include the site plan described in the following subsection G, as well as a proposed construction schedule, the estimated total cost of the work proposed in the format required, and such other technical data or information as may be required by the Director or other building officer.

2. Signature and seal required. No permit application shall be accepted for approval consideration unless the construction documents bear the signature and seal of the appropriate design professional, registered in the state.

3. One- and two-family dwellings. Construction documents for one- and two-family dwellings shall be prepared by an Illinois registered design professional, except that the Director may waive such requirement if the Director determines that the proposed work is either for a minor accessory structure or for minor alterations not involving structural changes, and that the construction documents are sufficiently detailed to establish code compliance and meet all other requirements of this section.

**SECTION 27:** Section 15.32.170, “Foundation inspections – Spot survey,” of Chapter 15.32, “Construction Permits,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.32.170 Foundation inspections; Surveys.--Spot survey.**

A. Spot survey. A spot survey certified by an Illinois registered land surveyor to show the exact location on the lot and full dimensions of a structure's foundation shall be required for all new primary structures upon completion of the structure's foundation. In addition, the Director may require the owner to submit such a survey, upon the completion of a foundation

if the Director determines that such survey is necessary for an accurate inspection of the foundation and its size and location. When a spot survey is required by the Director or this section, no further work shall be done, other than installing drain tile and waterproofing the foundation, until the foundation has been inspected and the spot survey has been approved by the Village. (Prior code § 23.25)

B. Floor elevation survey. A floor elevation survey prepared and certified by an Illinois registered land surveyor to show the exact elevations of all building floor and roof peaks shall be required for all new primary structures upon completion of framing of the structure. When a floor elevation survey is required by the Director or this section, no further work shall be done until the survey has been reviewed and approved by the Village.

**SECTION 28:** Section 15.44.010, “Numbering of buildings,” of Chapter 15.44, “Supplementary Standards and Requirements,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.44.010 Numbering buildings.**

A. Base Lines. All lots or buildings located on north and south streets in the Village or on streets running in a northerly and southerly direction shall be numbered northerly from a line running east and west one thousand (1,000) feet south of and parallel with the south section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with number one and increasing towards the north or northerly.

All lots or buildings located on east and west streets in the Village or on streets running in an easterly and westerly direction shall be numbered westerly from a line running north and south two thousand (2,000) feet east of and parallel with the east section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with number one, and increasing toward the west or westerly.

B. Assignment of Numbers. Numbers shall be assigned to lots and buildings as set forth in a Street Numbering Atlas on file in the office of the Director of Public Works. Such atlas is referred to and adopted and made a part of this section as fully as if set forth in full in this section. The even numbers shall be assigned to southerly and westerly sides of streets, and odd numbers to the northerly and easterly sides of streets.

The Director of ~~Public Works~~ Community Development shall assign to each lot or building its proper number and shall notify the owner or occupant.

C. Display of Numbers. Numbers assigned shall be displayed on the street side of each building by the owner or occupancy within thirty (30) days after notice from the Director of ~~Public Works~~ Community Development. The figures of building numbers shall be not less than three inches in height and of such character as to be distinctly and easily read and shall be placed in a conspicuous place on the street side of the premises to which they are assigned. (Prior code § 7.14)

**SECTION 29:** Copies of all Model Codes adopted by reference in this Ordinance shall continue to be maintained on file in the office of the Village Manager in the manner provided by law.

**SECTION 30:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

**SECTION 31:** This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law, **or 30 days after it is submitted to the Division of Building Codes and Regulations of the Illinois Capital Development Board.**

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2012, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2012.

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced: June 19, 2012

Posted: June 20, 2012

Passed and Approved:

Posted:

Submitted to State of Illinois for posting:

**AN ORDINANCE  
ADOPTING UPDATED MODEL BUILDING, FIRE AND LIFE SAFETY CODES  
FOR INCORPORATION INTO THE WINNETKA VILLAGE CODE**

**WHEREAS**, the Village of Winnetka is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village of Winnetka has the authority to adopt ordinances and to promulgate rules and regulations protecting the health, safety and welfare of its citizens; and

**WHEREAS**, the Council of the Village of Winnetka (“Village Council”) have reviewed amendments proposed by the Village staff to various provisions of Title 8 of the Winnetka Village Code, Health and Safety, and of Title 15 of the Winnetka Village Code, Building and Construction, to adopt and incorporate by reference updated model codes; and

**WHEREAS**, the proposed updating of Titles 8 and 15 includes the adoption by reference of the 2009 editions of the International Building Code, the International Fire Code, the International Residential Code for One- and Two-Family Dwellings, the International Mechanical Code and the International Fuel Gas Code, the updating of fire and life safety codes, the continued adoption of the 2004 edition of the State of Illinois Plumbing Code and the 2008 edition of the National Electrical Code, all of which are sometimes hereinafter referred to collectively as the “Model Codes;” and

**WHEREAS**, copies of each of the foregoing Model Codes have been maintained on file in the office of the Village Clerk for at least 30 days prior to the effective date of this ordinance; and

**WHEREAS**, the Village Council have determined that the comprehensive amendments proposed by the Village staff will benefit the public health, safety and welfare by assuring that all construction activity in the Village of Winnetka is performed pursuant to the most recent nationally recognized standards; and

**WHEREAS**, the Village Council have further determined that the comprehensive amendments will facilitate the administration of regulations pertaining to construction activity in the Village of Winnetka due to the reorganization and consolidation of all administrative procedures pertaining to the regulation of construction activity; and

**WHEREAS**, this Ordinance is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers under Article VII, Section 6 of the Illinois Constitution of 1970.

**NOW, THEREFORE,** the Council of the Village of Winnetka do ordain:

**SECTION 1:** The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

**SECTION 2:** Subsection A of Section 15.04.050, “Definitions,” of Chapter 15.04, “General Provisions,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is hereby amended to provide as follows:

A. Terms Defined in Other Ordinances and Codes. Terms used in this title Building Code, but not otherwise defined, shall have the meanings ascribed to them in the Zoning Ordinance, this code or the codes adopted by reference in Sections 15.08.010, 15.16.010 and 8.04.010 of this code.

**[Drafter’s Note:** This amendment updates the chapter references for the model codes that are adopted by reference. Chapter 15.08 adopts the principal model building codes by reference, while Chapter 15.16 adopts model fire prevention codes, and Chapter 8.04 adopts model codes pertaining to alarm and sprinkler systems. Chapters 15.12 and 15.20 were previously repealed when the substance of those chapters was transferred into Chapter 15.08.]

**SECTION 3:** Section 8.04.010, “General requirements for automatic alarm and fire detection systems and smoke detectors,” of Chapter 8.04, “Security and Fire detection Systems, of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.04.010 General requirements for automatic alarm and fire detection systems, and smoke detectors.**

A. Automatic alarm and fire detection systems. All automatic alarm and fire detection systems shall be subject to the provisions of this Chapter 8.04. In addition, except as provided in Section 15.16.050(B) of this code, all automatic alarm and fire detection systems shall be installed in accordance with the standard set forth in NFPA Publication 72, National Fire Alarm Code, 2010 Edition, in any building used for an occupancy described in subsections (A)(2)(a) through (A)(2)(h) ~~(A)(2)(g)~~ of Section 15.16.050 of this code.

**[Drafter’s Note:** The yellow-highlighted text has been added to reflect a corresponding correction at page 36, below, which restores storage occupancies to the types of building occupancies listed in Section 15.16.050.]

B. Smoke detectors. Residential smoke detectors shall be supplied and installed in accordance with the “Illinois Smoke Detector Act,” 425 ILCS 60/1, et seq., except that an approved smoke detector shall also be installed in each sleeping room. As used in the Illinois Smoke Detector Act, the term “substantially remodelled” means the installation of new electrical wiring throughout the dwelling unit regardless of the cost of such wiring, and any work to repair, restore, renovate, remodel or increase the size of a dwelling unit if the cost of such work exceeds fifty (50) percent of the value of the existing dwelling unit.

Notwithstanding any exceptions stated in the Illinois Smoke Detector Act to the contrary, the smoke detectors required for any newly constructed addition to a dwelling unit shall be permanently wired into the addition's AC power line, and if more than one detector is required to be installed in the addition, the detectors shall be wired so that the actuation of one detector will actuate all the detectors in the addition.

C. Exception to fire detection system requirement. No automatic fire detection system shall be required in any room or portion of a building which is equipped with an approved installation of an automatic fire extinguishing system except where it is determined by the Fire Chief that early warning is necessary for life safety.

(Ord. MC-228-99 § 7 (part), 1999: prior code § 24.01)

D. Emergency key access requirement. The owner of any building or structure that is not a single-family or two-family dwelling and that is protected by an automatic sprinkler system and/or an automatic fire detection system shall purchase, install and maintain an emergency key access system consisting of a locked box of a type and in a location prescribed by the fire chief. The key box shall contain:

1. Keys to locked points of ingress whether on the interior or exterior of such building or structure;
2. Keys to locked mechanical equipment rooms;
3. Keys to locked electrical equipment rooms;
4. Keys to elevator controls;
5. Keys to the fire alarm equipment; and
6. Keys to other areas as directed by the fire chief.

(Ord. MC-2-2011, 2/15/11; Ord. MC-1-2005 § 2, 2/15/05)

**SECTION 4:** Subsection D of Section 8.04.020, “Definitions,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

D. Direct connection system. “Direct connection alarm” means an alarm system that uses an approved Village radio receiver to connect directly to an alarm receiving panel located in the Village's Public Safety Building at 410 - 428 Green Bay Road. No digital dialer alarm shall be considered a direct connection alarm.

**[Drafter’s Note:** The yellow highlighting shows a non-substantive revision made to enhance the clarity of the provision. The striking of the reference to telephone lines reflects the policy shift made by the Village Council when it passed Ordinance MC-2-2011 and approved replacing a third-party alarm panel with a Village-owned wireless alarm panel so that emergency calls would go directly to the Village’s dispatch center, rather than being relayed through the vendor’s central station monitor, which had caused delays in response times.]

**SECTION 5:** Section 8.04.050, “Impermissible alarm devices,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.04.050 Impermissible alarm devices.**

A. No person shall install or allow to exist on any alarm system:

1. Any device that produces a sound or visual display similar to sirens or lights of emergency public safety vehicles of the Village or emergency warning system (civil defense) sirens; or

2. Any device (except a fire alarm) not equipped with an automatic shutoff that will deactivate sound or visual display within ten (10) minutes of the commencement of any alarm.

B. No person shall install any device that automatically contacts the Police or Fire Department and **that also** uses or reproduces any recorded message to summon Police or Fire Department response, except that an elevator auto-dialer emergency communication system that is required by ANSI 17.1 or 17.3 Standards shall be permitted.

(Ord. MC-228-99 § 7 (part), 1999; prior code §§ 4.10, 24.05)

**[Drafter’s Note:** The yellow-highlighted text has been added in response to inquiries made at the time of introduction, to clarify that this provision prohibits the combination of a recorded message with an automatic, direct connection to the Police and Fire Department.]

C. No person shall install any type of digital dialer alarm that dials into the Police Department alarm system receiver.

(Ord. MC-2-2011, 2/15/2011; Ord. MC-06-2004 § 3, 05/04/2004)

**SECTION 6:** Subsection B of Section 8.04.060, “Inspections, responses and false alarms,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

B. Inspections required. All fire, smoke and carbon monoxide alarms shall be subject to inspections by the Fire Department. All other alarms shall be inspected by the Police Department.

**SECTION 7:** Subsection A of Section 8.04.080, “False alarm fee procedures,” of Chapter 8.04, “Security and Fire Detection Systems,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

A. Notice of False Alarm Fee. The Chief of Police, the Fire Chief, or the designee of either Chief, upon determining that a false alarm has occurred, shall give written notice to the alarm system user that a false alarm has occurred at the premises, and shall bill the alarm system user pursuant to the schedule of false alarm fees provided in Section 8.04.070.

**SECTION 8:** Subsection A of Section 8.08.010, “Storage of flammable or combustible liquids,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

A. No more than five gallons of gasoline or other Class I or II flammable or combustible liquids may be stored on private premises for personal or private use. Such liquids shall be stored in an approved container of safety type, removed from flame or open fire, in a room or space with good ventilation. Such liquids shall, if possible, be stored in a garage or out-building, and shall not be stored in any cellar, stairwell, basement or pit. No Class I or II flammable or combustible liquids may be stored in a motor vehicle that has not been approved for transporting such products, except in the vehicle's own manufactured fuel tank.

**SECTION 9:** Section 8.08.020, “Storage of liquified petroleum gas,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.08.020 Storage of liquified petroleum gas.**

A. Storage of liquified petroleum gas is prohibited within the fire limits as established in Section 15.44.090 of this code.

B. Storage of liquified petroleum gas outside of the fire limits shall be prohibited on any premises except those used for residential occupancies.

C. The maximum capacity of a container for storage of liquified petroleum gas on any premises in the Village shall be two thousand (2,000) gallons, water capacity.

D. No container for liquified petroleum gas shall be installed with any part of it below the ground surface.

E. The outside storage of liquified petroleum gas containers pending their use, sale or resale, including containers stored outside as part of a cylinder exchange program, shall not exceed a combined total of 120 gallons (twenty-four 25-pound cylinders), water capacity.

(Prior code § 26.03)

**SECTION 10:** Section 8.08.030, “Outdoor fires,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby. amended to provide as follows:

**Section 8.08.030 Outdoor fires; fireplaces, grills and fire pits.**

A. Fireplaces, grills and barbecue pits. All outdoor fireplaces, grills and barbecue pits shall be located at least fifteen (15) feet from any building or fence. The use of permanent outdoor fireplaces, grills or barbecue pits is permitted as provided in Section 15.16.020(C)(1) of this code

B. Fire pits. No fire pit shall be used within ten (10) feet of any combustible material, or within ten (10) feet of any property line. No fire pit shall be used in such a manner or location that it causes any building fire alarm to activate or that it otherwise creates a hazardous or objectionable condition. The code official is authorized to order the extinguishment of a fire in a fire pit that is creating a hazardous or objectionable condition.

(Prior code § 26.11)

**[Drafter’s Note:** As introduced, this provision was deleted, because the full text, including the fire pit provision, was included as an amendment to Section 307.4.3 of the International Fire Code. (See p. 33, below.) After further conferring with the Fire Department, it was determined that the provision should be retained in Chapter 8.08 and amended, because the Fire Safety Code applies to conduct, that is not always confined to construction activities.]

**SECTION 11:** Section 8.08.170, “Posting capacity of places of assembly,” of Chapter 8.08, “Fire Safety Code,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

**Section 8.08.170 Posting capacity of places of assembly.**

Each place of assembly having a capacity of fifty (50) or more persons shall have a sign posted in a conspicuous place specifying the maximum number of persons that may be permitted within the room at any one time. The sign shall be not less than ten (10) inches by six (6) inches with one-inch red letters on a white background and shall be maintained in a legible condition. If the place of assembly is also used for the service of food, the notice shall specify both the number permitted for meeting purposes without tables and for dining room purposes with tables. The allowable capacities shall be determined by the Fire Chief in accordance with the rules and regulations for fire prevention and safety of the State.

(Prior code § 26.28)

**SECTION 12:** Section 15.08.010, “Adoption of Model Codes by reference,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is hereby amended in its entirety, to provide as follows:

**Section 15.08.010 Adoption of Model Codes by Reference.**

The model codes described in the following subsections A through G are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

- A. International Building Code, 2009 Edition.
- B. International Residential Code for One- and Two-Family Dwellings, 2009 Edition.
- C. International Mechanical Code, 2009 Edition.
- D. International Fuel Gas Code, 2009 Edition.
- E. State of Illinois Plumbing Code, 2004 Edition, as promulgated by the Illinois Department of Public Health and published in Title 77 of the Illinois Administrative Code, Chapter I, Subchapter R, Part 890.
- F. National Electrical Code, 2008 Edition.
- G. International Fire Code, 2009 Edition. (See Chapter 15.16)
- H. International Property Maintenance Code, 2009 Edition.
- I. International Energy Conservation Code, 2012 Edition.

(MC-7-2011, Amended, 12/6/2011; MC-3-2005, Amended, 06/21/2005; MC-13-2004, Amended, 12/07/2004)

**SECTION 13:** Section 15.08.020, “Amendments to the International Building Code of 2003,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.020 Amendments to the International Building Code, 2009 Edition.**

A. **Exclusions.** The following provisions of the International Building Code, 2009 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **101.4.4 Property maintenance.** (See WVC Section 15.08.080 for commercial and mixed use property maintenance provisions.)
2. **105.1.1 Annual permit.**
3. **105.1.2 Annual permit records.**

4. **105.2.1 Building.** One-story detached accessory structures used as tool and storage shed.

5. **105.2.2 Building.** Fences not over 6.5 feet high.

6. **105.2.4 Building.** Retaining walls that are not over 4 feet in height as measured from the bottom of the footing to the top of the wall.

7. **Building.** Sidewalks and driveways not more than 30 inches above adjacent grade.

8. **105.5 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)

9. **105.7 Placement of permit.** (Superseded by Section 15.32.180 of the Village Code.)

10. **107.2 Construction documents.** (Superseded by Section 15.32.050 of the Village Code.)

11. **107.3.1 Approval of construction documents.** (Superseded by Sections 15.32.090 and 15.32.100 of the Village Code.)

12. **109.2 Schedule of permit fees.** (Superseded by Section 15.32.020 of the Village Code.)

13. **109.4 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)

14. **109.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)

15. **907.2.1 through 907.2.9 Use groups.**

16. **1807.1.4 Permanent wood foundation systems.**

17. **1809.12 Timber footings.**

18. **Chapter 27 Electrical.** (Superseded by adoption of National Electrical Code; see Village Code Sections 15.08.010(F) and 15.08.070.)

19. **Chapter 29 Plumbing.** (Superseded by adoption of State of Illinois Plumbing Code, 2004 Edition; see Village Code Sections 15.08.010(E) and 15.08.070.)

**B. Amendments.** The following provisions of the International Building Code, 2009 Edition, are amended for adoption by the Village:

1. **101.1 Title.** These regulations shall be part of the Building Code of the Village of Winnetka. As used in the International Building Code, 2009 Edition, as adopted and amended by the Village, “this code” shall mean the Building Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this

code” shall mean the Winnetka Village Code, and the Building Code the Village of Winnetka shall be called the “Building Code.”

2. **101.4.4 Plumbing.** The provisions of the State of Illinois Plumbing Code, 2004 Edition, as adopted by reference as provided in this Chapter 15.08, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the State of Illinois Plumbing Code 2004 Edition, as adopted by reference as provided in this Chapter 15.08, shall apply to private sewage disposal systems.

3. **101.4.4 Property Maintenance.** The provisions of the International Property Maintenance Code, 2009 Edition, as adopted by reference and amended in this Chapter 15.08, shall apply to certain existing structures and premises, and shall regulate the equipment, light, ventilation, space heating, sanitation, life and fire safety hazards of such structures and premises; and shall define the responsibilities of owners, operators and occupants and occupancy of such existing premises and structures, as provided in Section 15.080 of this Chapter.

4. **102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this building code shall be permitted to continue without change, except as is specifically provided in this code, including this building code and the International Fire Code as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

[**Drafter’s Note:** The highlighted paragraph was inadvertently omitted in the initial draft. It has been restored, and the numbering of the remaining paragraphs of Subsection B (paragraphs 5 through 31) has been corrected accordingly. Those numbering changes are not highlighted.]

5. **103.1 Creation of enforcement agency.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building official.

6. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

7. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

8. **104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this building code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner’s representative, provided the building official shall first find that special individual reasons makes the strict letter of this building code impractical and that the modification is in

compliance with the intent and purpose of this building code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the Department of Community Development.

9. **105.2 Work exempt from permit.** Permits shall not be required for the following work.

a. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

b. Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.

c. Prefabricated swimming pools accessory to a detached one and two family residential dwellings, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.

d. Swings and other playground equipment accessory to detached one- and two-family dwellings.

Exemptions from the permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Village Code or any other laws or ordinances of the Village.

10. **107.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this building code, all other applicable provisions of the Village Code and the construction documents, and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code, 2009 Edition.

11. **113.21 General.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

12. **115.2.1 Stop work order policy.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.

13. **406.1.4.4 Separation.** The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.

14. **903.3.5 Water supplies.** Water supplies for automatic sprinkler systems shall comply with this section and the standards reference in Section 903.3.1. of the International

Building Code, 2009 Edition. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the State of Illinois Plumbing Code, 2004 Edition. Hydrant water flow data used for the design of any sprinkler system shall be witnessed by the Fire Department and shall be no more than six (6) months old.

15. **903.4.2 Alarms.** Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system.

Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. An outside audio/visual device shall be provided and shall be located above the fire department connection.

16. **903.4.2.1 Alarm-indicating devices.** All sprinklered buildings shall be provided with audio/visual alarm-indicating devices. The alarm-indicating devices shall be of a sufficient number and power to be seen and heard in all areas of the building.

17. **903.4.2.2 Test Valves.** Fire sprinkler system inspector test valves shall be accessible at all times and shall be located no more than 6 feet above the finished floor. On multiple riser systems, each test valve shall be marked to identify which riser and area it tests.

18. **903.4.3 Floor control valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings. In multiple story buildings, floor control valves with water flow and tamper switches shall be provided for each floor.

19. **903.6 Safety Factor.** Provide a minimum 10% safety factor in the fire protection system hydraulic calculation. The system demand shall be 10% minimum below the seasonal low water flow test supply.

20. **903.7 Hydraulic nameplate.** By each hydraulically calculated area, on each drawing, provide a copy of the hydraulic nameplate.

21. **903.8 NFPA standards.** The appendices of all NFPA standards are to be considered as part of each standard and are considered a “shall” requirement and not “should” information.

22. **903.9 Fire alarm systems.** All fire alarm systems shall be of the addressable type and shall be installed per NFPA 72, 2010 Edition.

23. **903.10 Quick response sprinklers.** All offices, assembly, and residential buildings and areas, except for one- and two- family residential buildings, shall be provided with residential and/or quick response sprinklers.

24. **905.3.1 Building height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level

of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. Notwithstanding the foregoing, standpipes shall be required in all buildings that are more than two (2) stories high and/or more than two (2) stories below grade.

25. **907.2 Where required.** An approved fire alarm system shall be provided in all use groups, except as specified in Section 907.2.6 of this code, and except for single family detached dwellings. All fire alarm control panels and annunciators shall be installed in locations approved by the Fire Department. All fire alarm panels and annunciator shall be keyed or under a protective plastic locked cover to prevent tampering.

26. **907.2.11.1.4 Group R-1.** Smoke detectors shall be installed at the top of every stairwell used for exiting.

27. **907.2.11.2.4 Groups R-2, R-3, R-4 and I-1.** In the R-Use Groups, smoke detectors shall be installed at the top of every stairwell used for exiting.

28. **1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with this building code, the State of Illinois Accessibility Code, 1997 Edition, and ICC A117.1.

29. **2302.1.2.1 Fire Protection.** Where prefabricated wood I-joists are used for floor and ceiling assemblies in finished or unfinished spaces or areas in one- or two-family dwellings, these assemblies shall be separated from adjacent spaces or areas by fire-resistant material capable to resist a fire exposure equivalent to one-hour or more in accordance with fire test procedures as set forth in ASTM E119, as well as in accordance with Underwriters Laboratories (UL) or Factory Mutual (FM) classification standards. Such separation shall not be required for structures that are fully equipped with an automatic sprinkler system designed and installed in accordance with NFPA 13, 2010 Edition.

30. **2603.2.1 Third Party Approval.** No foam plastic insulation shall be unless it has been approved by a nationally recognized independent testing agency, such as Underwriters Laboratories or Factory Mutual.

31. **3306.9.1 Barriers.** Prior to commencing any work under a permit that includes the authorization of demolition, excavation, construction of a new structure and/or construction of an addition to an existing structure, the applicant shall erect a fence to enclose the site in a location and manner approved by the building official. The fence shall be no less than six (6) feet in height and shall be located at least 18 inches from any public sidewalk. The fence shall be permanently secured in the ground, and shall remain in place until the building official approves its removal. When there are no construction personnel at the site, any gate or opening in the fence shall be closed and secured with a lock.

(MC-7-2011, Amended, 12/6/2011; MC-5-2009, Amended, 05/05/2009; MC-03-2005, Added, 06/21/2005)

**SECTION 14:** Section 15.08.030, “Amendments to the International Residential Code for One- and Two-Family Dwellings, 2003 Edition,” of Chapter 15.08, “Model Codes Adopted by

Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.030 Amendments to the International Residential Code for One- and Two-Family Dwellings, 2009 Edition**

A. **Exclusions.** The following provisions of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **105.5 Expiration.** (Superseded by Section 15.32.190 of this code.)
2. **105.7 Placement of permit.** (Superseded by Section 15.32.180 of the Village Code.)
3. **106.2 Site plan.** (Superseded by section 15.32.050 of the Village Code.)
4. **106.3.1 Approval of construction documents.** (Superseded by Sections 15.32.090 and 15.32.100 of the Village Code.)
5. **108.2 Schedule of permit fees.** (Superseded by Section 15.32.020 of the Village Code.)
6. **108.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)
7. **108.6 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
8. **109.1.6 Final inspection.** (Superseded by Section 15.32.160.)
9. **110.4 Temporary occupancy.** (Superseded by Section 15.36.010 of the Village Code.)
10. **310.4 Bars, grills, covers and screens.**
11. **313.2 One- and two-family dwellings automatic fire system.**
12. **402.1 Wood foundations.**
13. **404.2 Wood foundation walls.**
14. **1001.11 Fireplace clearance.**
15. **Part VII — Plumbing.** Chapters 26 through 32
16. **Part VIII — Electrical.** Chapters 33 through 42.

B. **Amendments.** The following provisions of the International Residential Code for One- and Two- Family Dwellings, 2009 Edition, are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the International Residential Code for One- and Two- Family Dwellings, 2009 Edition, as adopted and amended by the Village, “this code” shall mean the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka shall be called the “Dwelling Code.”

2. **101.2 Scope.** The provisions of this Dwelling Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and attached single-family dwellings (townhouses) that are not more than three stories in height and that have a separate means of egress and their accessory structures.

3. **102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this Dwelling Code shall be permitted to continue without change, except as is specifically provided in this code, including this Dwelling Code and the International Fire Code, 2009 Edition, as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

4. **103.1 Creation of enforcement agency.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code and the Director of Community Development shall be known as the building official.

5. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

6. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

7. **105.2 Work exempt from permit.** Permits shall not be required for the following work. Exemptions from the permit requirements of this Dwelling Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the Village.

a. Buildings:

i) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

ii) Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.

iii) Prefabricated swimming pools accessory to a detached one- and two-family residential dwellings, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

b. Electrical:

i) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

c. Mechanical:

i) Portable heating appliance.

ii) Portable ventilation appliances.

iii) Portable cooling unit.

iv) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

v) Portable evaporative cooler.

vi) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

vi) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

d. Plumbing:

i) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

ii) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

8. **112.1 General.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

9. **114.1 Notice to owner; stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.

10. **115.1 Prefabricated construction.** A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. No element of any prefabricated assembly shall be concealed prior to inspection and approval by the building official. All elements of any prefabricated assembly shall be readily accessible for inspection at the permit site. Prefabricated assemblies shall be inspected at the building site by the building official as required by this code.

11. **309.5 Separation required.** The garage shall be separated from the residence and its attic area by not less than ½-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than ½-inch (12.7 mm) gypsum board or equivalent. The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.

12. **310.4.1 Bars, grills, covers and screens on window wells.** All window wells, whether to be used as emergency escape or rescue openings or not, shall be fitted with bars, grills, covers, screens, railings or similar devices. All shall be operable from the side of the egress without the use of a key, tool or special knowledge.

13. **316.6 Specific approval.** Foam plastic not meeting the requirements of Sections R316.3 through R316.5 may be specifically approved on the basis of one of the following approved tests: NFPA 286 with the acceptance criteria of Section R320.9.4, FM4880, UL 723, UL 1040 or UL 1715, or fire tests related to actual end-use configurations. Any foam plastic insulation must be approved by an independent testing agency, either Underwriters Laboratories or Factory Mutual. The specific approval shall be based on the actual end use configuration and shall be performed on the finished foam plastic assembly in the maximum thickness intended for use. Assemblies tested shall include seams, joints, and other typical details used in the installation of the assembly and shall be tested in the manner intended for use.

14. **404.1.1.1 Masonry foundation walls.** Concrete masonry and clay masonry foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) and shall also comply with the applicable provisions of Sections R606, R607 and R608. In buildings assigned to Seismic Design Categories D0, D1 and D2, concreted masonry and clay masonry foundation walls shall also comply with Section R404.1.1, but with not less than two (2) Number Five (5) reinforcement bars placed at the top and bottom of any concrete trench, belle, grade beam or formed foundation wall. Rubble stone masonry foundation walls shall be constructed in accordance with Sections R404.1.8 and R606.2.2. Rubble stone masonry walls shall not be used in Seismic Design Categories D0, D1 and D2.

15. **N1101.2 Compliance.** Compliance shall be demonstrated by meeting the requirements of the most recent edition of the *International Energy Code*. Climate zones

from Figure R301.1 or Table R301.1 of the most recent edition of the *International Energy Code* shall be used in determining the applicable requirements from this chapter.

**16.2501.2 Application.** In addition to the general administration requirements of Chapter 1 of the Dwelling Code, the administrative provisions of this chapter 2501 of the Dwelling Code shall also apply to the plumbing requirements of the State of Illinois Plumbing Code, 2004 Edition.

**17.2501.3 Authority.** These rules are promulgated pursuant to authority granted by Section 35 of the Illinois Plumbing License Act (225 ILCS 320/35).

**18. 2501.4 Applicability.** These rules govern the design and installation of new plumbing or plumbing systems and the alteration of existing plumbing systems. They apply to all new construction and any remodeling or renovation that alters, renovates or replaces existing plumbing or plumbing systems. These rules do not apply to existing buildings unless the plumbing or plumbing system is being altered, the building use is being changed or the existing plumbing creates a health or safety hazard.

a. If an existing building is changed from one use to another or from one classification to another, as provided in Appendix A, Table B (Illinois State Plumbing Code 2004 Edition), it shall be treated as a new building and shall comply with the requirements of this Part for its new use or occupancy.

b. Regardless of the age of the building, where a health or safety hazard exists because of an existing plumbing installation or lack thereof, the owner or his agent shall install additional plumbing or make such corrections as may be necessary to abate the hazard or violation of this part.

**19.Part VIII — Electrical.** The provisions of the National Electrical Code, 2008 Edition, as adopted by reference and amended in this Chapter 15.08, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(MC-5-2009, Amended, 05/05/2009; MC-3-2005, Added, 06/21/2005)

**SECTION 15:** Section 15.08.040, “Amendments to the International Mechanical Code, 2003 Edition,” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.040 Amendments to the International Mechanical Code, 2009 Edition.**

A. **Exclusions.** The following provisions of the 2009 International Mechanical Code are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.4 Inspections.** (Superseded by Section 15.32.160 of the Village Code.)

2. **106.4.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
3. **106.5.1 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
4. **106.5.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)
5. **106.5.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)

B. **Amendments.** The following provisions of the 2009 International Mechanical Code are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Mechanical Code of the Village of Winnetka. As used in the International Mechanical Code, 2009 Edition, as adopted and amended by the Village, “this code” shall mean the Mechanical Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Mechanical Code of the Village of Winnetka shall be called the “Mechanical Code.”

2. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.

3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

4. **108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.

5. **109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

6. **301.8 Plumbing connections.** Potable water supply and building drainage system connections to equipment and appliances regulated by this code shall be in accordance with the State of Illinois Plumbing Code 2004 Edition.

7. **Chapter 15 Referenced Standards.**

- a. SIPC-2004, State of Illinois Plumbing Code 2004 Edition.
- b. NEC-2008, National Electrical Code 2008 Edition.

(MC-5-2009, Amended, 05/05/2009; MC-3-2005, Added, 06/21/2005)

**SECTION 16:** Section 15.08.050, “Amendments to the International Fuel Gas Code” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.050 Amendments to the International Fuel Gas Code, 2009 Edition.**

A. **Exclusions.** The following provisions of the International Fuel Gas Code, 2009 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **106.4.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
2. **106.5.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)
3. **106.5.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)
4. **403.6 Plastic pipe, tubing and fittings.**
5. **403.11 Plastic pipe, joints and fittings.**

B. **Amendments.** The following provisions of the International Fuel Gas Code, 2009 Edition, are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Fuel Gas Code of the Village of Winnetka. As used in the International Fuel Gas Code, 2009 Edition, as adopted and amended by the Village, “this code” shall mean the Fuel Gas Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Fuel Gas Code of the Village of Winnetka shall be called the “Fuel Gas Code.”

2. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.

3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

4. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

5. **108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.)

6. **109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of

this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code

7. **624.1.1 Installation requirements.** The requirements for water heaters relative to sizing, relief valves, drain pans and scald protection shall be in accordance with the State of Illinois Plumbing Code 2004 Edition.

8. **Chapter 7 Referenced Standards.**

- a. SIPC-2004, State of Illinois Plumbing Code 2004 Edition – Section 624.1.1
- b. NEC-2008, National Electrical Code 2008 Edition

(MC-5-2009, Amended, 05/05/2009; MC-3-2005, Added, 06/21/2005)

**SECTION 17:** Section 15.08.060, “Amendments to the State of Illinois Plumbing Code, 2004 Edition” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.08.060 Amendments to the State of Illinois Plumbing Code, 2004 Edition**

A. **Exclusions.** The following provisions of the State of Illinois Plumbing Code, 2004 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **Table A, “Approved Materials for Building Sewers”** is amended by deleting the following items:

- a. 2) Asbestos Cement Pipe.
- b. 5) Concrete Pipe
- c. 8) Vitrified Clay Pipe
- d. 9) Solder

2. **Table A, “Approved Materials for Water Service Pipe”** is amended by deleting the following items:

- a. 1) ABS Pipe
- b. 4) CPVC Pipe

3. **Table A, “Approved Materials for Water Distribution Pipe”** is amended by deleting the following Items 2, 7 and 8:

- a. 2) CPVC Pipe
- b. 7) Poly Butylene Pipe

c. 8) PVC Pipe

**B. Amendments.** The following provisions of the State of Illinois Plumbing Code, 2004 Edition, are amended for adoption by the Village:

1. **Section 890.110, General Regulations** is amended by adding the following subsection (c):

**890.110 (c) General Regulations.** Plumbing and drainage systems in all buildings, public and private, shall be installed in accordance with the provisions of this ordinance by a licensed plumber in accordance with the provisions of the State of Illinois Plumbing License Law. If a plumbing contractor is found to be using unlicensed plumbers, the contractor's plumbing permit will be revoked

2. **Section 890.120 Definitions** is amended by adding the following definition :

“Plumbing Code.” The Illinois State Plumbing Code, 2004 Edition, as adopted and amended by the Village, shall be known as the Plumbing Code of the Village of Winnetka. As used in the Illinois State Plumbing Code, 2004 Edition, as adopted and amended by the Village, the terms “Part” or “this code” shall mean the Plumbing Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Plumbing Code of the Village of Winnetka shall be called the “Plumbing Code.”

**C. Additions.** The State of Illinois Plumbing Code, 2004, is further amended for adoption by the Village by adding the following provisions:

1. **Potable Water.** Type L copper piping shall be used for potable water.
2. **Couplings.** Heavy duty 4 band couplings must be used with no hub soil pipe.
3. **Plumbing Walls.** Plumbing walls where stacks are located must be built with not less than 2 x 6 framing.
4. **Primer.** Purple primer must be used on all PVC piping.
5. **Testing.** Gas tests are required if any existing gas lines have been moved.
6. **Water Service.** For all new construction, including additions and substantial remodeling a minimum 1 inch copper water service is required.
7. **Existing Conditions.** All nonconforming plumbing installations or materials discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.
8. **Inspections.** Inspections shall be subject to the provisions of Section 15.20.050 of this chapter.
9. **Inspections.**

a. Inspections Required. All plumbing work shall be done by licensed plumbers or sewer contractors and shall be subject to the inspection and approval of the Director of Community Development, or the plumbing inspector under the supervision of the Director of Community Development. The plumbing contractor shall be on site when the rough plumbing inspection is conducted.

b. Testing by Plumbing Inspector. All plumbing work shall be tested by the plumbing inspector, in accordance with this code, while all pipes are uncovered in every part. A water test shall be applied to the drainage system in its entirety, or in sections, as completed. A water pressure test for plumbing work shall be applied by closing the lower end of the vertical pipes and filling the pipes to the highest opening above the roof with water. Special provision shall be made to include all joints and connections to the finished line or face of floors or side walls, so that all vents or revents, including lead work, may be tested with the main stacks. The house drain inside any building shall be tested by closing up the drain at the point where it leaves the building, using the clean out wye provided for, and filling the pipes inside the building with water to a height of a least two feet above the highest point of the drainage system.

c. Water Supply for Testing. Licensed plumbers will be allowed to leave the water turned into pipes for forty-eight (48) hours after completing any work for the purpose of testing the same, at the end of which time they shall immediately cut off the supply, unless otherwise instructed by the Director of the Water and Electric Department. Plumbers are prohibited from turning water on from any service pipe for any other purpose, except on the order of or permission from the Water and Electric Department.

d. Additional Inspections. All plumbing work shall be subject to such further inspections and tests as shall be required by the rules and regulations of the Water and Electric Department of the Village.

(Prior code § 23.49)

10. Overhead sewers and other protective measures below ground level. All buildings constructed after December 31, 1970 with basements, floors, rooms or occupancy areas below grade and served by a public or private sewer system shall have overhead plumbing with ejector pumps.

(Prior code § 23.50)

(MC-3-2005, Added, 06/21/2005)

**SECTION 18:** Section 15.08.070, “Amendments to the National Electric Code, 2008 Edition” of Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

## **Section 15.08.070 Amendments to the National Electric Code, 2008 Edition**

A. **Exclusions.** The following provisions of the National Electric Code, 2008 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **Article 322 Flat Cable Assemblies: Type FC.**
2. **Article 324 Flat Conductor Cable: Type FCC.**
3. **Article 334 Nonmetallic-sheathed Cable: Types NM, NMC and NMS.**
4. **Article 338 Service-Entrance Cable: Types SE and USE.**
5. **Article 340 Underground Feeder and Branch-Circuit Cable: Type UF.**
6. **Article 362 Electrical Nonmetallic Tubing: Type ENT.**
7. **Article 394 Concealed Knob and Tube Wiring.**
8. **Article 396 Messenger Supported Wiring.**
9. **Article 547 Agricultural Buildings.**
10. **Article 550 Mobile Homes, Manufactured Homes, and Mobile Home Parks.**
11. **Article 551 Recreational Vehicles and Recreational Vehicle Parks.**
12. **Article 553 Floating Buildings.**

13. **Annex H Administration and Enforcement** is amended by deleting the following sections:

- a. **80.2 Definitions.** Chief Electrical Inspector.
- b. **80.15 Electrical Board.** Delete subsections (A) (B) (C) (D) (E) (F) and (H).
- c. **80.19(D) Annual Permits.**
- d. **80.19(F)(3) Inspections.**
- e. **80.19(F)(4) Approvals.**
- f. **230. II Overhead Service-drop conductors.**
- g. **320 Armored Cable: Type AC.** Delete entire Article.

B. **Amendments.** The following provisions of the National Electric Code, 2008 Edition, are amended for adoption by the Village:

1. **90.0 Title.** These provisions shall be known as the Electric Code of the Village of Winnetka. As used in the National Electric Code, 2008 Edition, as adopted and amended

by the Village, “this code” shall mean the Electric Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Electric Code of the Village of Winnetka shall be called the “Electric Code.”

2. **200.11 Use and Identification of Grounded Conductors, Outlets, Switches and Receptacles.** All garage outlets shall be located not less than forty-two (42) inches above the finished floor.

Switches and receptacles in bathrooms shall be located in a minimum of thirty (30) inches from the inside edge of a tub or shower measured horizontally at the floor line. Lighting fixtures above, or within two feet of the inside of the tub edge, must have GFCI protection.

Grounded conductors shall be at least the same size as the ungrounded conductors of the same circuit.

3. **210.52 (E)(3)(a) Balconies, Decks, and Porches.** Receptacle outlet is required at all balconies, decks, and porches that are accessible from inside of a dwelling, regardless of the size of the balcony, deck, or porch.

4. **Section 210.52(G) Basements and Garages.** For a one-family dwelling, at least one receptacle outlet, in addition to any provided for laundry equipment, shall be installed in each basement and in each attached garage, and in each detached garage with electric power. See 210.8 (A) and (A) (5). Where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion shall have a receptacle outlet installed in accordance with the section.

A minimum of one (1) switched lighting fixture shall be installed in the immediate area of the top stair tread of all staircases leading to basement areas. A minimum of one (1) switched lighting fixture shall be installed in the area of the lower most stair tread of all staircases that lead to the basement areas.

5. **210.52(I) Other Outlets.** Other outlets not covered in 220.3(B) (1) through (10) shall be computed based on 180 volt-amperes.

In dwelling occupancies dishwashers and disposals shall have separate disconnecting means under the sink cabinet.

A separate circuit shall be provided for all heating and air conditioning units.

Receptacle outlets adjacent to kitchen sinks may be located a maximum of three feet from the edge of the sink bowl.

6. **230.1 (A) Services, Scope – Overhead or Exposed Wiring.** No overhead or exposed wiring on the exterior of buildings shall be installed except for main service conduits and wiring runs of four feet or less to freestanding cooling units and connections to underground wiring. In all such cases, rigid metal conduit shall be used, except that, where

flexible connections are required, liquid tight or flexible metal conduit with a green equipment ground wire may be used.

7. **230. VI Service Equipment – Disconnecting Means.** All new single family detached dwellings shall have a minimum 200 amp single phase service with the main disconnect located at the meter.

8. **230.70 (A) Location.** The service disconnecting means shall be installed in accordance with 230.70 (A) (1), (2) and (3). The location of outside meters for single family dwellings must be determined prior to installation by the Water and Electric Department.

Meter pedestals must be installed so that the center of the meter is located between 48 and 66 inches from the adjacent finished grade.

9. **300.1(D) Underground Wiring.** All underground wiring in buildings, including wiring in sub-grade floors, shall be installed in rigid metal conduit. Rigid nonmetallic conduit may be used underground outside of buildings.

All interior wiring not required to be flexible and all basement wiring shall be installed in intermediate metal or rigid metal conduit or electrical metallic tubing.

10. **310.14 Aluminum Conductor Material.** No aluminum or copper-clad aluminum wire shall be used, except as approved for service to an electrical meter.

11. **408.31 Busbars.** Copper bus shall be used in switchboard, panel boards and meter socket enclosures containing more than four sockets.

12. **410.16(C)(6) Luminaries (Fixtures) in Clothes Closets.** In dwelling units, all closets that are at least twenty-three (23) inches deep and all utility rooms and pantries, shall be illuminated.

13. **680.3 Swimming Pools, Fountains and Similar Installations, Other Articles.** Except as modified by this article, wiring and equipment in or adjacent to pools and fountains shall comply with other applicable provisions of this Code, including those provisions identified in Table 680.3. All controls, pumps or lights for a swimming pool, sauna, hot tub or hydro massage bathtub shall not be used without GFCI protection. All underwater lights shall be twelve (12) volts.

14. **Annex H Administration and Enforcement, Section 80.15 Electrical Board, Subsection (G) Appeals,** is amended to provide:

(G) Appeals - Review of Decisions. Any person, firm, or corporation may register an appeal with the Building and Zoning Board of Appeals for a review of any decision of the Electrical Inspector, provided that such appeal is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, the Building and Zoning Board of Appeals shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action of the Electrical

Inspector complies with this law and, within fifteen (15) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.

15. **Annex H, Administration and Enforcement, Section 80.27, Inspector's Qualifications, Subsection B(3) and (D)** are amended to provide:

**80.27(B)(3) Experience.** Be well versed in the National Electric Code 2002 Edition and the amendments hereto.

**80.27(D) Revocation and Suspension.** The Director of Community Development or the Village Manager shall have the authority to revoke or suspend an inspector's authority to conduct inspections.

C. **Additions.** The National Electric Code, 2008 Edition, is further amended for adoption by the Village by adding the following provisions:

1. **Nonconforming Installations.** All nonconforming electrical installations or matters discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.

2. **Removal of Abandoned Materials.** All abandoned wiring, conductors, conduit systems, raceways, junction boxes, electrical devices, electrical materials, equipment, and the like, shall be completely removed prior to a final electrical inspection.

3. **Circuit Wiring.** Circuits wired with AWG #14 wire, shall be limited to eight (8) outlets or receptacles for general lighting connected to a single circuit. Circuits wired with AWG #12 wire, shall be limited to ten (10) outlets or receptacles for general lighting connected to a single circuit.

4. **Wire Size.** Minimum wire size requirements for any installation other than residential shall be AWG #12. Devices and receptacles shall be twenty (20) amp rated.

5. **Conductor Installation.** Conductors shall not be installed in any raceway, until wall finishes are applied or mechanical work has been completed with the consent of the electrical inspector.

6. **Minimum Box Size.** Minimum sizes for boxes for general lighting outlets shall be 1½ inches deep and 3¾ inches in diameter. Minimum size boxes for switch and receptacles shall be 1½ inches deep and 4 inches square.

7. **Box Installations.** Back to back box installations shall not be permitted in any case.

8. **Light Switches.** Stairways, hallways, passageways, corridors, garages, rooms or other areas with more than one (1) entry shall have a sighting outlet switched from all exits and entries.

9. **Materials and Equipment.** New materials and/or equipment must be used on all installations.

**10. Final Inspections.** For final inspection purposes, all light fixtures shall have at least one (1) bulb or lamp in each fixture.

**11. Remodeling.** Existing buildings or structures that either are scheduled for remodeling and/or additions or have been vacated and made available to new tenants shall, prior to occupancy, be required to remove existing electrical equipment and materials that will not be used or that are determined not to conform to the currently adopted code requirements of the Village of Winnetka. Existing wiring, materials and equipment shall be in good condition, without actual or potential hazards or in an unsafe condition. Hazardous or unsafe conditions include, but are not limited to the following: open boxes, unstable raceways, frayed wiring, dried out/flaking insulation on conductors, improper connections, burned or defective contacts, overloaded circuits, insufficient number of circuit breakers/fuses, defective main breaker/bus bar, non-listed or labeled fixtures or devices or other similar unsafe conditions, and shall be replaced, removed or repaired as provided for by the provisions of the code. Unusable electrical systems and devices in good condition, which will provide safe electric service, may remain in place.

**12. Smoke Detectors.** In addition to other Village requirements pertaining to smoke detectors, the following is required:

a. A dedicated circuit shall be provided, which shall be permanently wired into a dwelling unit's electric service;

b. A "lockout" shall be installed on the system's circuit protection device to maintain power to the equipment;

c. A separate raceway shall be provided for the system's circuit and detector's control wiring, thereby eliminating the interference of circuit conductors and raceways, which may be installed for other equipment or outlets.

d. Attics and/or closets that contain mechanical equipment, i.e. heating, ventilating, or cooling equipment, shall contain an approved smoke detector.

e. An automatic fan shutdown device shall be installed in ceiling house fans and attic fans. This shall interconnect the smoke detector system and de-energize the power to the fan thereby discontinuing the induced air-flow from one room to another.

**13. Installation of Electric Services.** The Water and Electric Department shall install underground services for all new and modified electrical services. The cost of these services will be determined by that department and must be paid prior to installation. No overhead electrical services shall be installed. Meter pedestals must be installed so that the center of the meter is forty-eight (48) inches high, as measured from the adjacent finished grade. Electrical services shall be installed to the most proximate point of the primary structure. All other electrical work shall be performed by a licensed electrician.

**14. Inspections.** All electrical work shall be subject to the inspection and approval of the Director of Community Development, or the electrical inspector under the supervision of the Director.

**SECTION 19:** Chapter 15.08, “Model Codes Adopted by Reference,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is hereby amended by adding a new Section 15.08.090, which shall be titled “Amendments to the International Energy Conservation Code, 2012 Edition,” and shall provide follows:

**Section 15.08.09060 Amendments to International Energy Conservation Code, 2012 Edition.**

A. **Exclusions.** The following provisions of the International Energy Conservation Code, 2012 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.3 Final inspection.** (Superseded by Section 15.32.160 of the Village Code.)
2. **107.1 Fees.** (Superseded by Section 15.32.020 of the Village Code.)
3. **107.3 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
4. **107.5 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)

B. **Amendments.** The following provisions of the International Energy Conservation Code, 2012 Edition, are amended for adoption by the Village.

1. **101.1 Title.** These provisions of the International Energy Conservation Code of the Village of Winnetka. As used in the International Energy Conservation Code, 2012 Edition, as adopted and amended by the Village, “this code” shall mean the Energy Conservation Code of the Village of Winnetka. As used in the ordinance and codes published by the Village, the term “this code” shall mean the Winnetka Village Code and the Energy Conservation Code of the Village of Winnetka shall be called the “Energy Conservation Code.”

2. **108.2 Stop Work Order – Issuance.** The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.

3. **109.1 Board of Appeals – General.** The Building and Zoning Board of Appeals created by Section 3.44 of the Village Code shall hear and decide appeals of order, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

**SECTION 20:** Section 15.16.010, “Adoption of Codes by Reference” of Chapter 15.16, “Fire Prevention and Life Safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.010 Adoption of codes by reference.**

A. **Adoption of codes by reference.** The model codes described in the following subsections 1 through 5 are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

1. International Fire Code, 2009 Edition.
2. National Fire Protection Association (NFPA) 101 Life Safety Code, 2009 Edition.
3. Standards for the Installation of Automatic Sprinkler Systems, National Fire Protection Association (NFPA) Publication 13, 2010 Edition.
4. Standards for the Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 Edition.
5. National Fire Alarm Code, National Fire Protection Association (NFPA) Publication 72, 2012 Edition.

[**Drafter's Note:** NFPA Publication 72 has been added at the request of the Fire Department to clarify that it is one of the model fire codes being adopted by reference. That adoption has been implicit, because of the references throughout the Code to NFPA 72. For example, WVC §8.04.010(A) specifically requires automatic fire alarm and fire detection systems to be installed in compliance with NFPA 72. Also see p. 12, above.]

B. **Rules of construction.** In the event any provision of the codes adopted by reference in this chapter conflict with state law, with any other ordinance of the Village, or with any other provision of this code, the provision requiring the highest standard for protection of life or property, as determined by the Fire Chief, shall prevail.

(MC-6-2010, § 2, Amended 10/5/2010; MC-3-2005, Amended, 06/21/2005)

**SECTION 21:** Section 15.16.020, "Fire Code" of Chapter 15.16, "Fire Prevention and Life Safety Codes," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

**Section 15.16.020 Amendments to the International Fire Code, 2009 Edition.**

A. **Exclusions.** The following provisions of the International Fire Code, 2009 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **108.1 Board of appeals established.**
2. **3404.2.13.1.4 Tanks abandoned in place.**

B. **Amendments.** The following provisions of the International Fire Code, 2009 Edition are amended for adoption by the Village:

1. **101.1 Title.** These provisions shall be known as the Fire Code of the Village of Winnetka. As used in the International Fire Code, 2009 Edition, as adopted and amended by the Village, “this code” shall mean the Fire Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term “this code” shall mean the Winnetka Village Code, and the Fire Code of the Village of Winnetka shall be called the “Fire Code.”

2. **105.3.1 Expiration.**

a. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit.

b. The length of time during which any construction permit issued for work under the Fire Code remains in effect shall be determined pursuant to Sections 15.32.190 and 15.32.200 of the Village Code.

(MC-3-2005, Amended, 06/21/2005)

C. **Additions.** The International Fire Code, 2009 2010 Edition, is further amended by adding the following new provisions:

1. **307.4.3 Outdoor fire sources. fireplaces, grills, or barbecue pits.**

a. Permanent outdoor fireplaces, grills and barbecue pits. ~~The use of All permanent outdoor fireplaces, grills or barbecue pits shall be located at least fifteen (15) feet from any building or fence. is permitted; provided that, the same are under continuous competent supervision and such fireplaces, grill or barbecue pit is shall be located at least fifteen (15) feet from any building or fence.~~

b. Fire pits. Fire pits shall be located at least ten (10) feet from any combustible material and at least ten (10) feet from any property line. No fire pit shall be placed in any location that may cause any building fire alarm to activate or that otherwise creates a hazardous condition. ~~No fire pit shall be used within located ten (10) feet of any combustible material, or within ten (10) feet of any property line. No fire pit shall be used in such a manner or location that it causes any building fire alarm to activate or that it otherwise creates a hazardous or objectionable condition. The code official is authorized to order the extinguishment of a fire in a fire pit that is creating a hazardous or objectionable condition.~~

(Prior code § 26.11; §8.08.030)

**[Drafter’s Note:** The revisions to this provision correspond to those made to WVC §8.08.030 in Section 10, above at p. 6. As this Ordinance was originally drafted, this provision was relocated in its entirety from WVC §8.08.030, retitled, and amended by adding a subsection addressing fire pits. The further revisions are intended to clarify that the provision here, which is an amendment to the International Fire Code, pertains to construction activity, while WVC §8.08.030 addresses personal conduct in the use of these outdoor fire devices.]

2. **505.3 Premise identification – rear and side access.** All buildings except for single and two-family dwellings shall have their address posted on any rear and/or side door. The signage shall include the address, the name of the street and business name or building name. The sign shall be installed at a height of approximately five feet (5') above the standing surface. The sign shall be installed immediately to the side of the door so it is visible with the door in the open or closed position. All other installation locations shall be approved by the fire chief or his designee.

3. **607.5 Elevator size.** Any elevator installation shall be designed to accommodate an ambulance stretcher, in a horizontal position, plus two (2) attendants.

**SECTION 22:** Section 15.16.030, “Life Safety Code” of Chapter 15.16, “Fire Prevention and Life safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.030 Amendments to the NFPA 101 Life Safety Code, 2009 Edition.**

A. **Amendments.** The following provisions of the NFPA 101 Life Safety Code, 2009 Edition are amended for adoption by the Village.

1. **1.1.1 Title.** The NFPA 101 Life Safety Code, 2009 Edition, shall be known as the Life Safety Code of the Village of Winnetka.

2. **1.3 Application.**

**1.3.1 Building alterations or construction.** All additions and alterations to existing buildings, and all construction of new buildings, shall comply with the provisions of the Life Safety Code.

**1.3.5 Restoration of damaged buildings.** Whenever any existing building is damaged by fire or other cause to the extent that the cost of restoration to its condition immediately prior to the occurrence shall exceed fifty (50) percent of the cost of the restoration of the entire building new or whenever alterations or additions are made to any existing building which are equivalent to more than fifty (50) percent of the value of such building, the construction or alteration shall include all changes necessary to bring the building into conformity with the Life Safety Code. Costs determined under this paragraph shall be determined in the same manner such costs are determined for nonconforming buildings under chapter 17.64 of this code.

3. **7.2.1.4.2.1 Exit Doors.** Exit doors shall be installed to swing with exit travel, irrespective on the number of persons served, in any building used for an occupancy described in subsection A of Section 15.16.080 of this chapter, except where the Fire Chief has determined that compliance is unreasonably difficult to accomplish and that non-compliance does not pose a life safety hazard.. (Prior code § 26.05)

(Prior code § 26.05)

(MC-6-2010, § 3, Amended 10/5/2010; MC-3-2005, Amended, 06/21/2005)

**SECTION 23:** Section 15.16.040, “Standpipe and Hose Systems” of Chapter 15.16, “Fire Prevention and Life safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.040 Amendments to the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 Edition.**

A. **Amendments.** The following provisions of the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 Edition are amended for adoption by the Village.

1. **Title.** The Standards for the Installation of Standpipe and Hose Systems, 2010 Edition, also known NFPA Publication 14, shall be known as Standpipe and Hose System Regulations of the Village of Winnetka.

2. **Applicability of Standpipe and Hose System Regulations.** A standpipe and hose system, installed in accordance with the standards set forth in Standard for the Installation of Standpipe and Hose Systems, NFPA Publication 14, 2010 Edition, shall be installed in all buildings, other than one- and two-family dwellings, that are more than two stories in height, regardless of the height of any such buildings measured in linear terms, such as feet or meters.

**SECTION 24:** Section 15.16.050, “Automatic fire extinguishing systems” of Chapter 15.16, “Fire Prevention and Life safety Codes,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.16.050 Amendments to the Standards for Installation of Automatic Fire Extinguishing Systems, National Fire Protection Association (NFPA) Publication 13, 2010 Edition.**

A. **Amendments.** The following provisions of the Standards for Installation of Automatic Fire Extinguishing Systems, National Fire Protection Association (NFPA) Publication 13, 2010 Edition are amended for adoption by the Village.

1. **Title.** The Standards for the Installation of Sprinkler Systems, 2010 Edition, also known NFPA Publication 13, shall be known as Automatic Sprinkler Regulations of the Village of Winnetka.

2. **Applicability.** Except as provided in paragraph 3 of this subsection A, automatic fire extinguishing systems, installed in accordance with the standards set forth in NFPA Publication 13, Standard for the Installation of Sprinkler Systems, 2010 Edition, or alternate similar fire suppression systems as approved by the Fire Chief, shall be installed in all buildings used for the following occupancies:

- a. Assembly occupancy used for gathering together six or more persons;

- b. Any occupancy where there is an activity involving the use of flammable liquids or gases or where flammable or combustible finishes are applied;
- c. Mercantile occupancy;
- d. Institutional occupancy;
- e. Multifamily residential occupancy;
- f. Educational occupancy;
- g. Business occupancy; or
- h. Storage occupancy.

**[Drafter’s Note:** The highlighted text was inadvertently omitted in the initial draft. See corresponding correction at page 2, above.]

3. **Exceptions.** The requirements of the foregoing paragraph 2 shall not apply where the use or occupancy: (1) is the same as it was prior to the amendment of this section effective on February 15, 1977; (2) has continued without change or, if there has been a change, the change does not increase the hazard to life or property; and (3) does not constitute a distinct hazard to life or property as determined by the Fire Chief. (Prior code § 26.17)

4. **Terms.** The terms used in this section shall have the same meanings as those terms have in the Fire Prevention Code and the Life Safety Code adopted by this chapter.

**SECTION 25:** Subsection D of Section 15.32.050, “Application s for permit” of Chapter 15.32, “Construction Permits,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

D. Application for Permits for Plumbing Work. All plumbing work shall be performed by, and all applications for permits for plumbing work shall be made by, an Illinois licensed plumber, using forms provided by the Director. A copy of the plumber's license and permit bond shall be placed on file with the Director before any such permit application shall be accepted by the Village. In addition, for each plumbing permit a “Letter of Intent” stating which licensed plumber will be performing the plumbing work must be filed with the Department.

**SECTION 26:** Subsection F of Section 15.32.050, “Construction Documents,” of Chapter 15.32, “Construction Permits,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

F. Construction Documents.

1. General requirements. All applications for a permit shall be accompanied by no less than six (6) sets of construction documents, two (2) of which shall be signed by the

design professional. The construction documents shall include the site plan described in the following subsection G, as well as a proposed construction schedule, the estimated total cost of the work proposed in the format required, and such other technical data or information as may be required by the Director or other building officer.

2. Signature and seal required. No permit application shall be accepted for approval consideration unless the construction documents bear the signature and seal of the appropriate design professional, registered in the state.

3. One- and two-family dwellings. Construction documents for one- and two-family dwellings shall be prepared by an Illinois registered design professional, except that the Director may waive such requirement if the Director determines that the proposed work is either for a minor accessory structure or for minor alterations not involving structural changes, and that the construction documents are sufficiently detailed to establish code compliance and meet all other requirements of this section.

**SECTION 27:** Section 15.32.170, “Foundation inspections – Spot survey,” of Chapter 15.32, “Construction Permits,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.32.170 Foundation inspections; Surveys..**

A. Spot survey. A spot survey certified by an Illinois registered land surveyor to show the exact location on the lot and full dimensions of a structure's foundation shall be required for all new primary structures upon completion of the structure's foundation. In addition, the Director may require the owner to submit such a survey, upon the completion of a foundation if the Director determines that such survey is necessary for an accurate inspection of the foundation and its size and location. When a spot survey is required by the Director or this section, no further work shall be done, other than installing drain tile and waterproofing the foundation, until the foundation has been inspected and the spot survey has been approved by the Village. (Prior code § 23.25)

B. Floor elevation survey. A floor elevation survey prepared and certified by an Illinois registered land surveyor to show the exact elevations of all building floor and roof peaks shall be required for all new primary structures upon completion of framing of the structure. When a floor elevation survey is required by the Director or this section, no further work shall be done until the survey has been reviewed and approved by the Village.

**SECTION 28:** Section 15.44.010, “Numbering of buildings,” of Chapter 15.44, “Supplementary Standards and Requirements,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is amended to provide as follows:

**Section 15.44.010 Numbering buildings.**

A. Base Lines. All lots or buildings located on north and south streets in the Village or on streets running in a northerly and southerly direction shall be numbered northerly from a

line running east and west one thousand (1,000) feet south of and parallel with the south section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with number one and increasing towards the north or northerly.

All lots or buildings located on east and west streets in the Village or on streets running in an easterly and westerly direction shall be numbered westerly from a line running north and south two thousand (2,000) feet east of and parallel with the east section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with number one, and increasing toward the west or westerly.

B. Assignment of Numbers. Numbers shall be assigned to lots and buildings as set forth in a Street Numbering Atlas on file in the office of the Director of Public Works. Such atlas is referred to and adopted and made a part of this section as fully as if set forth in full in this section. The even numbers shall be assigned to southerly and westerly sides of streets, and odd numbers to the northerly and easterly sides of streets.

The Director of Community Development shall assign to each lot or building its proper number and shall notify the owner or occupant.

C. Display of Numbers. Numbers assigned shall be displayed on the street side of each building by the owner or occupancy within thirty (30) days after notice from the Director of Community Development. The figures of building numbers shall be not less than three inches in height and of such character as to be distinctly and easily read and shall be placed in a conspicuous place on the street side of the premises to which they are assigned. (Prior code § 7.14)

**SECTION 29:** Copies of all Model Codes adopted by reference in this Ordinance shall continue to be maintained on file in the office of the Village Manager in the manner provided by law.

**SECTION 30:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

**SECTION 31:** This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law, or 30 days after it is submitted to the Division of Building Codes and Regulations of the Illinois Capital Development Board.

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2012, pursuant to the following roll call vote:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2012.

# ATTACHMENT A

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<http://www.cdb.state.il.us/eeba.shtml>

## **"Illinois Energy Conservation Code" for Commercial and Residential Buildings**



[Public Act 096-0778](#) was signed into law on August 28, 2009 amending the Energy Efficient Commercial Building Act by including residential buildings and amending the name of the act to the Energy Efficient Building Act. The new requirements for residential buildings became effective on January 29, 2010.

**HISTORY OF THE ILLINOIS ENERGY CONSERVATION CODE** Public Act [093-0936](#) (Illinois Energy Conservation Code for Commercial Buildings) was signed into law in August, 2004. The Illinois Energy Conservation Code for Commercial Buildings became effective April 8, 2006. On October 9, 2007 the Law was [revised](#) to mandate the latest published edition, excluding supplements, of the International Energy Conservation Code. As of August 18, 2009 the Illinois Energy Conservation Code for Commercial Buildings is the 2009 International Energy Conservation Code. On August 28, 2009, Public Act 096-0778 requiring an energy code for residential buildings was signed into law. It became effective on January 29th, 2010, officially establishing the 2009 International Energy Conservation Code as the energy code for residential buildings in Illinois.

### **WHAT THE LAW REQUIRES**

The Law requires all new commercial and residential construction for which a building permit application is received by a municipality or county to follow a comprehensive statewide energy conservation code. Renovations, alterations, additions, and repairs to most existing commercial and residential buildings must follow the Illinois Energy Conservation Code. The Law requires design and construction professionals to follow the latest published edition of the International Energy Conservation Code which is currently the 2009 International Energy Conservation Code and the American Society of Heating, Refrigeration and Air-conditioning Engineers (ASHRAE) Standard 90.1, 2007 "Energy Standard for Buildings except Low-Rise Residential Buildings." Under the law, the Capital Development Board has the power to modify the Illinois Energy Conservation Code.

Local governments are free to adopt stricter energy conservation Laws for commercial buildings. However, for residential buildings, local governments may not adopt or regulate energy conservation standards either less or more stringent than the Illinois Energy Conservation Code. Exceptions which would allow local governments to regulate energy efficient standards in a more stringent manner are municipalities or counties which meet one of the following three provisions:

- A unit of local government that on or before May 15, 2009 adopted or incorporated by reference energy efficient building standards for residential building that are equivalent to or more stringent than the 2006 International Energy Conservation Code
- A unit of local government that on or before May 15, 2009 provided to the Capital Development Board identification of an energy efficient building code or amendment that is equivalent to or more stringent than the 2006 International Energy Conservation Code
- A municipality with a population of 1,000,000 or more

### **THE GOALS OF THE LAW**

The Law is designed to help protect the environment and reduce energy consumption. By following an energy conservation code, property owners can reduce air pollution, moderate energy demand and stabilize energy costs and electric, oil, and gas supplies.

The efficient gains of the 2009 code set a new baseline for IECC-compliant homes and buildings, and while, there will be regional variability and uncertainty in the technology penetration, preliminary estimates from U.S. DOE suggest the 2009 IECC will be at least 18 percent and possibly even 22 percent more energy efficient than the 2006 IECC.

### **WHAT THE LAW DOESN'T COVER**

The Law does not apply to officially designated historic buildings, buildings exempt from a local building code, and buildings that do not use either electricity or fossil fuel for comfort conditioning. For purposes of determining whether this exemption applies, a building will be presumed to be heated by electricity, even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps. "[Illinois' Energy Efficient Building Act](#)" can be found in Chapter 20 of the Illinois Compiled Statutes, Act 3125."

# ATTACHMENT A

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## **New! [2012 Energy Code TRAINING OPPORTUNITIES](#)**

The Illinois Energy Office's schedule for a 2012 IECC training series directed at the Illinois construction industry is now available. Homebuilders, designers, code officials, realtors, and home performance professionals will be able to learn about the newest energy conservation codes for new construction, additions and renovation projects in Illinois. Sessions will be offered to Illinois Investor Owned Utility customers at no cost.

**Energy Code Interpretations** of the 2009 and 2012 Energy Conservation Code - [Email](#) your question or call 1-708-770-0554 for technical interpretations of the 2012 *International Energy Conservation Code®* (IECC®) as it applies to the State of Illinois.

**Frequently Asked Questions** - FAQ's concerning the 2009 International Energy Conservation Code® (IECC®) as it applies to the State of Illinois.

## **Code Enforcement Officials**

[Building Energy Codes Resource Guide: Code Officials Edition](#) —  
Now Available from U.S. Department of Energy!

## **OTHER RESOURCES**

[International Energy Conservation Consultants](#)

[International Code Council](#)

[DOE's Building Energy Codes Program Compliance Software Tools](#)

[REScheck](#): Used to show compliance on residential building plans

[COMcheck](#): Used to show compliance on commercial building plans

Other forms of compliance may be used as approved by the *Authority Having Jurisdiction*.

[USDOE's Solutions & Help Center](#) – Help with compliance software

## **CONTACT INFORMATION**

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## Illinoisans Buying 2012 IECC Homes Will Save Thousands

### An Analysis of Cumulative Homeowner Profit *After* Paying Incremental Construction Costs for New Single Family Homes Meeting Historic New Building Energy Code

#### Summary

**Illinoisans buying new single family homes meeting the 2012 International Energy Conservation Code (IECC) will pocket between \$9,780 and \$11,100 in net energy savings over the mortgage term, according to an analysis of energy savings and incremental construction costs by the Building Codes Assistance Project and ICF, International.** *The differences in energy bill savings and added construction costs depend on where the home is located (Climate Zone 4 is in southern Illinois; Climate Zone 5 is in northern Illinois) and on the type of insulation used for the walls.*

The energy savings over added mortgage costs are enough to pay back the buyer's additional down-payment in as little as 7 months and no more than 1 year and 1 month (sooner if the loan allows less than 20% down payment). **After that date, the owner continues to pocket between \$326 and \$370 in estimated savings annually until the mortgage is paid off, when savings increase to between \$396** (given R-13+5 exterior walls in northern Illinois) **and \$424** (given R 13+5 exterior walls in southern Illinois) **per year.** Obviously, the savings are even greater if energy costs rise over the next 30 years.

Specifically, this analysis finds an average new home meeting the 2012 IECC will cost an additional \$1,513 in Climate Zone 5 and between \$958 to \$1,775 in Climate Zone 4 (depending on wall insulation type) over the construction costs of meeting the state's current energy code. Estimated energy cost savings range from \$396 to \$424 per year depending on climate zone and wall type.

Stated differently, **monthly utility bill savings to the homeowner are more than four times as much as the additional mortgage payment needed to cover the added first-cost of energy saving features required by the 2012 code.**

This analysis calculates the energy savings and incremental construction costs of new, 2,400 square foot single family homes in Illinois that meet the latest energy code, the 2012 IECC, compared to the state's current code, the 2009 IECC.

#### Energy Savings and Construction Cost Methodology

To calculate energy savings and incremental construction costs, this analysis defined a "typical" single family house to represent new residential development in Illinois. The home modeled is two stories in height, with exterior dimensions of 30 by 40 feet with wood-framed walls and a basement foundation. This size and foundation type is based on regional construction practices. In Illinois (as nationally) the average new home is approximately 2,400 square feet—which is the size used in this analysis.

For the purposes of this analysis we assume a baseline home that meets the requirements of the 2009 IECC, which is the state's current code. Although some leading builders in Illinois are already building to a

higher standard than the 2012 IECC, for purposes of this analysis we assume a baseline home that exactly meets the requirements of the 2009 IECC. We also err on the side of good building practice, which is why we also assume builders are installing return air ducts, although some builders may currently be using floor joist cavities in lieu of conventional return ducts.<sup>1</sup>

Using this model home as a baseline, we identified the building components that would have to be upgraded from the current 2009 IECC code, according to the prescriptive requirements in the 2012 IECC. These changes differed by climate zone, but in both climate zones code changes include increased ceiling insulation from R-38 to R-49 blown-in insulation, an increase from zero to 75 percent compact florescent bulbs in hard-wired fixtures, R-3 insulation on hot water pipes from the hot water heater to kitchen, improved house air sealing and testing, bathroom and kitchen vent fan upgrades, and increased sealing around air handlers and furnaces. Additionally, meeting the latest code houses in climate zone 4 will require an upgrade from R-13 to R-20 or R13 + 5 exterior walls while houses in climate zone 5 will require an upgrade of basement wall insulation from R10 to R15.<sup>2</sup>

Energy savings were modeled by ICF International (ICFI), an international energy consulting firm with extensive experience in the use of hourly building energy simulation software to estimate energy performance and energy savings of alternative building codes and design concepts. Although the values included in the analysis represent a careful, independent technical judgment by ICFI staff, it should be kept in mind that – like any such analysis – the results depend on a number of assumptions about the physical features of a typical new home, operating practices, energy prices, and other factors.

Both the existing 2009 IECC code and the new 2012 IECC code allow a builder to choose among a number of alternatives to comply with the code. In this case, ICFI conservatively chose to compare the results from the prescriptive path of each version of the code. ICF uses Beacon™, an hourly simulation model that utilizes DOE-2 or EnergyPlus, and summarizes building performance in terms of estimated annual energy costs, based on long-term average weather conditions in a given climate zone (city), DOE/EIA state level energy costs. ICF also estimates energy consumption by end-use, fuel type, electricity peak demand, and air conditioner size in each prototype home. More details of the modeling assumptions used in this analysis are available on request.

### Incremental Costs

To estimate incremental costs, we rely on construction costs from the well-regarded *2011 RS Means Contractor's Pricing Guide* to approximate actual costs of new home construction. While this resource is known to be conservative, it is useful for this analysis as RS Means estimated construction costs are inclusive of material costs, labor, and contractor overhead and profit.<sup>3</sup> For this analysis many of these costs were also confirmed with local building experts in Illinois.

#### *Costs Shared by New Homes in Climate Zones 4 and 5:*

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<sup>1</sup> As a result of this assumption, some builders currently using floor joists as ducts (“panned ducts”) may incur incremental costs under the 2012 IECC, which will require them to install conventional return ducts.

<sup>2</sup> For the purposes of this analysis, we chose to model a two story house with a basement. By contrast, house with a slab foundation would have a lower incremental cost.

<sup>3</sup> RS Means also includes a location factor, which indicates an estimate of local costs as a percentage of RS Means national average estimates. In an effort to be conservative, for this analysis we have chosen the highest location factor available in RS Means in each climate zone: 121% of the national average in Climate Zone 5 (Chicago) and 101% of the national average in Climate Zone 4 (East St. Louis).

Among other changes, the 2012 IECC requires builders to upgrade ceiling (attic) insulation from R-38 to R-49, which is estimated by RS Means to range from an additional \$497 to \$595 per new home. As well, we estimate that the additional required air sealing in the 2012 IECC and the required whole house “blower door” testing will add about \$350 per new home.<sup>4</sup> To improve ventilation, an additional \$100 is estimated for upgrading two bathroom vent fans to units with an Energy Star rating. Finally, builders will have to install high-efficiency lights in 75 percent of hard-wired fixtures, up from 50 percent in the 2009 IECC. Usually, this requirement is met with compact florescent lights (CFLs). Our analysis estimates that the upgrade of 25 percent of fixtures will cost \$25. An additional 2012 IECC code change will require builders to insulate hot water distribution lines to kitchens. We believe the cost impact of this change is small, as R-3 insulation costs less than 50 cents per linear foot and most insulation products can be “clipped” around supply pipes after the plumbing rough-in.<sup>5</sup> As a result, this cost is estimated at \$100 per new home. Finally, due to additional language in the 2012 IECC requiring sealing around air handlers and furnaces, we have added an additional \$100 for sealing.

#### *Incremental Costs Unique to Climate Zones 4*

To meet the 2012 IECC in Climate Zone 4 (which takes up the lower third of the state), builders will have flexibility in the type of exterior wall assembly they chose to build. At present, the 2009 IECC requires R-13 walls, while the 2012 IECC mandates an insulation upgrade to R-13 + 5 or R-20. To build an R-13 + 5 wood frame wall, builders retain 2 x 4 framing with R-13 fiberglass batts as cavity insulation, but replace the conventional wood sheathing for with an insulated sheathing—an engineered product that combines structural reinforcement with insulation equivalent to R-5 to create an R-13 + 5 wall. Alternately, if builders choose to meet the R-20 requirement, 2 x 4 walls are upgraded to 2 x 6 wall construction. The larger framing allows for R-21 fiberglass batts to be placed between studs instead of the R-13 batts required in the 2009 IECC. Additionally, because of the superior strength of 2 x 6 construction, builders can introduce a cost-saving variant of the R-20 wall that increases the space between studs from 16 inches apart to 24 inches—thus saving lumber and dramatically reducing incremental cost. Many builders prefer to retain 16 inch spacing however, and thus all three wall framing alternatives are presented in **Table 1**, which summarizes incremental costs for Climate Zone 4.

**Table 1: Climate Zone 4 Incremental Costs**

Building Component	Total Area	Incremental Cost/ Square Ft	Total	Location Factor	Adjusted Total
Wall Option 1: R-13 + 5	2,380	\$0.34	\$ 809.20	101%	\$817
Wall Option 2: R-20 Walls with Studs Spaced 16” on Center	2,380	\$0.59	\$1,404.20	101%	\$1,418
Wall Option 3: R-20 Walls with Studs Spaced 24” on Center	2,380	\$0.25	\$ 595.00	101%	\$601
Upgrade Ceiling insulation to R-49	1,200	\$0.41	\$ 492.00	121%	\$497
Increased Air Sealing and Testing	N/A	N/A	N/A	N/A	\$350
Insulating Hot Water Pipes	N/A	N/A	N/A	N/A	\$100

<sup>4</sup> \$350 is a commonly used as an expected air sealing and testing cost for new single-family detached homes nationwide. By following the air sealing visual checklist already required by the 2009 IECC, builders should be able to reduce air changes to the required three air changes per hour required in the 2012 IECC.

<sup>5</sup> It is difficult to determine what combination of redesign, resizing, and/or partial insulation of hot water lines would be done in a typical new home. Insulating distribution lines to the kitchen and very long runs would add costs while downsizing lines would reduce costs; in any case we believe the net effect would be small.

75% CFLs in hardwired fixtures (from 50% in 2009 IECC)	N/A	N/A	N/A	N/A	\$25
Bathroom Vent Fan Upgrade	N/A	N/A	N/A	N/A	\$100
Increased Sealing at Air Handlers and Furnaces	N/A	N/A	N/A	N/A	\$100
HVAC System Savings (downsizing 1 ton)	N/A	N/A	N/A	N/A	-\$815
<b>Total Incremental Costs (Varies Based on Wall Type Above)</b>					<b>\$958 to \$1,775</b>

While complying with the 2012 IECC increases first-cost in some areas, the new code also presents opportunities to **reduce** costs for HVAC equipment as a result of an improved building envelope. Among other possible savings, builders will be able to reduce the size of costly mechanical equipment. For the prototype house in Climate Zone 4, builders are able to reduce the cooling system capacity from 61,500 kBtu/h to 49,500 kBtu/h or from 5.125 to 4.125 tons. This reduction in air conditioner capacity can result in first-cost savings of one ton, which is expected to save approximately \$815 for each new house.<sup>6</sup>

Taking into account both incremental costs and savings, **this study estimates that net incremental costs for Climate Zone 4 will range from \$958 to \$1,775, depending on which wall construction type is selected by builders.** These options are \$1,174 (R-13 + 5 wall), \$1,775 (R-20 wall with 16" spacing between studs), and \$958 (R-20 wall with 24" spacing between studs).

*Incremental Costs Unique to Climate Zones 5*

Unlike Climate Zone 4, to meet the 2012 in climate zone 5, no change is required for exterior walls. However, basement walls insulation will have to be upgraded from R-10 continuous insulation to R15 insulation. Assuming a basement with eight foot ceilings and 140 feet in exterior perimeter, the difference in price for extruded polystyrene is estimated by RS Means at \$0.48 per square foot, for a total of \$651 per new home. The cooling system is also reduced from an estimated 54,000 kBtu/h to 44,400 kBtu/h (from 4.5 to 3.7 tons) allowing a one-half ton reduction in system size. **In total, the incremental costs for new homes built in Climate Zone 5 are estimated at \$1,513 per new home.** A summary of incremental costs for Climate Zone 5 is displayed below in **Table 2**.

Building Component	Total Area	Incremental Cost/ Square Ft	Total	Location Factor	Adjusted Total
Increase Basement Insulation from R-10 to R-15	1,120	\$0.48	\$ 537.60	121%	\$651
Upgrade Ceiling insulation to R-49	1,200	\$0.41	\$ 492.00	121%	\$595

<sup>6</sup> EPA conservatively estimates for their Energy Star Homes Version 3 that first-cost savings for downsizing a 13 SEER air conditioner are \$815 per ton. It should be noted that because HVAC systems are usually sold in half-ton increments, to meet the 5.125 tons of needed cooling capacity estimated for the baseline home, builders would have to install the next size up, a 5.5 ton unit and a 4.5 ton unit for a 2012 home. By "right-sizing" the HVAC equipment, building occupants will also benefit from a reduction in equipment short-cycling (i.e., where equipment is too large for the cooling load and cycles on and off frequently, thus wasting energy and losing some of its ability to dehumidify indoor air). Please note that additional cost savings could be obtainable from downsizing heating equipment, but this study does not attempt to calculate those savings. Estimated heating requirements decline from 80,000 to 70,000 kBtu/h in Climate Zone 4 and from 78,000 to 70,000 kBtu/h in Climate Zone 5.

Increased Air Sealing and Testing	N/A	N/A	N/A	N/A	\$350
Insulating Hot Water Pipes	N/A	N/A	N/A	N/A	\$100
75% CFLs in hardwired fixtures (from 50% in 2009 IECC)	N/A	N/A	N/A	N/A	\$25
Bathroom Vent Fan Upgrade	N/A	N/A	N/A	N/A	\$100
Increased Sealing at Air Handlers and Furnaces	N/A	N/A	N/A	N/A	\$100
HVAC System Savings (Downsizing 1/2 ton)	N/A	N/A	N/A	N/A	-\$407.50
<b>Total Incremental Costs</b>					<b>\$1,513</b>
<b>Energy Cost Savings</b>					

According to the model used in this analysis, **upgrading to the 2012 IECC will result in significant energy cost savings for homeowners in Illinois, ranging from \$397 per year in Climate Zone 5 to \$416 in Climate Zone 4.**<sup>7</sup> Annual energy savings for each climate zone (and wall type) is presented in Table 3, below. It is noteworthy that these savings assume constant energy prices; if energy prices continue to rise consistent with historical trends, savings will be greater in future years.

<b>Table 3: 2012 IECC Energy Savings by Climate Zone and Wall Type for Two Story Houses</b>	
<b>House Type</b>	<b>Annual Energy Savings</b>
Climate Zone 4: Houses with R-20 Walls	\$407
Climate Zone 4: Houses with R-13+5 Walls	\$424
Climate Zone 5: Houses with R-20 Walls	\$398
Climate Zone 5: Houses with R-13+5 Walls	\$396

**Mortgage Payback for Homeowners**

**Homebuyers will be able to include in their mortgage the incremental first-costs of meeting the 2012 IECC, while benefiting from lower utility bills starting on day one.** With estimated energy cost savings ranging from \$397 to \$416 per year, monthly utility bill savings are at least 4 times as much as the additional mortgage payment needed to cover the added first-cost of energy saving features required by the 2012 code.

**This cash-flow difference is enough to pay back the buyer’s added down-payment in no more than one year, one month and as little as seven months (or sooner if the loan allows a down payment below 20%).** After that date, the owner continues to save at least \$326 annually in lower utility bills – and even more if energy prices increase.

This payback analysis assumes that homebuyers purchase a new home with 20% down at the current nationwide interest rate of 4.01 percent. This scenario would result in an increased down payment of \$325 with additional monthly mortgage cost of \$4 to \$7. Taking into account energy savings and lower utility bills, a cash flow analysis indicates that the homebuyer would break even within as little as seven months. After that break-even date, **home owners would continue to save between \$326 and \$370 in annual energy costs.** Homebuyers with a lower down payment—such as 5 or 10 percent—will realize payback much more quickly. Mortgage payback to homeowners is presented below in **Table 4.**

<sup>7</sup> Note that the estimated ranges represent an average within each Climate Zone of the two different wall types: R-20 and R-13+5.

**Table 4: Mortgage Payback for Homebuyers by Exterior Wall Type**

Climate Zone and Wall Type	Incremental Costs	Energy Savings/ Month per home	Down Payment Increase (and Mortgage Increase per Month)	Breakeven Point	Annual Profit for Homeowner after Breakeven Point
<b>Climate Zone 4: R-13+5 Walls</b>	\$1,174	\$35	\$235 (plus \$4/month)	<b>8 months</b>	<b>\$370</b>
<b>Climate Zone 4: R-20 Walls, Studs 16" on center</b>	\$1,775	\$34	\$355 (plus \$7/month)	<b>1 year, 1 month</b>	<b>\$326</b>
<b>Climate Zone 4: R-20 Walls, Studs 24" on center</b>	\$958	\$34	\$192 (plus \$4/month)	<b>7 months</b>	<b>\$363</b>
<b>Climate Zone 5: R-20 Walls</b>	\$1,513	\$33	\$302 (plus \$6/month)	<b>11 months</b>	<b>\$336</b>
<b>Climate Zone 5: R-13+5 Walls</b>	\$1,513	\$33	\$302 (plus \$6/month)	<b>11 months</b>	<b>\$329</b>

### Conclusions

- As estimated in this analysis, incremental costs for new 2,400 square foot homes built to the 2012 IECC in Illinois range from \$958 to \$1,775 per new home.
- Annual energy savings for Illinois homeowners attributable to the 2012 IECC range from \$396 to \$424 per new home.
- Assuming a conservative 20% down payment, new home buyers will break even on their initial investment in as few as seven months and no more than one year and one month after purchase.

**About the EECC**

The Energy Efficient Codes Coalition (EECC) is a coalition of energy efficiency advocates involved in the development of the national model energy codes. EECC draws supporters from government, regional energy efficiency alliances, academia, think tanks, utilities, environmental groups, utilities, low-income housing groups, energy consumers, and businesses. The EECC has been heavily involved in the most recent two cycles of IECC code development. Our partner organizations and supporters are also deeply involved in the processes of state and local adoption and implementation of the model codes.

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