

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO THE REGISTRATION OF RESIDENTIAL PROPERTY**

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, the City of Peoria wishes to assist in the development of private property while maintaining safety for all persons in Peoria;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

ARTICLE XIII. Chapter 5 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT^[2]

Footnotes:

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Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Sec. 5-26. - Administrative authority designated.

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

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

Cross reference— Definitions and rules of construction generally, § 1-2.

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

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

month period, a person or entity must pay a \$200.00 reinstatement fee and not owe the City of Peoria any money. A person or entity can petition the City of Peoria to reduce the 12-month period and a hearing will occur in front of the administrative hearing officer as defined in Chapter 32. A petition fee of \$300.00 will apply.

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

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

Secs. 5-28—5-40. - Reserved.

DIVISION 2. - BUILDING INSPECTIONS DIVISION³

Footnotes:

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

Sec. 5-41. - Composition; supervision.

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

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

Sec. 5-42. - Duties generally.

- (a) The building ~~inspections-safety~~ division shall conduct building, commercial property maintenance, plumbing, electrical, and one- or two-family building inspections, and enforce the ordinances relating thereto.
- (b) The code official has the administrative authority to promulgate rules and regulations which serve to interpret or supplement the provisions of the code, as long as such rules conform to the intent of the code.
- (c) The code official shall have the authority to accept alternative proposals for rehabilitation of existing structures where strict compliance with code would cause impractical difficulties, provided that an

Illinois licensed architect or Illinois licensed structural engineer has reviewed the structure and alternative proposals and has submitted reports as required by the code official. The cost of all professional reviews and reports are the responsibility of the applicant.

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

Secs. 5-43—5-55. - Reserved.

DIVISION 3. - CONSTRUCTION COMMISSION⁴

Footnotes:

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Editor's note— Ord. No. 13838, § 1, adopted Nov. 8, 1994, repealed §§ 5-56—5-63 and enacted new provisions designated as §§ 5-56—5-74, to read as herein set out. See the Code Comparative Table.

Sec. 5-56. - Establishment; composition.

There is hereby established the construction commission of the city which shall consist of the following:

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

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

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

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

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

Sec. 5-58. - Election of chairperson.

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

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

Sec. 5-59. - Duties and authority.

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

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

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

Sec. 5-60. - Meetings.

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

(Ord. No. 13838, § 1, 11-8-94)

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

- (a) An appeal may be taken by the parties aggrieved by a decision of the building official in the following instances:
 - (1) In cases where discretionary power in estimating damages is given to the building official.
 - (2) In questions relating to the security or insecurity of any building or part thereof.
 - (3) In all other cases when discretionary powers are by this chapter given to the code official and/or fire ~~marshall~~marshal.
- (b) A request for a variance from the city building codes may be taken to the construction commission for new construction or remodeling existing residential and commercial structures when strict compliance:
 - (1) Would cause exceptional practical difficulties; or
 - (2) Would work a particular hardship upon the owner or user of such property, as distinguished from a mere inconvenience for such owner or user, and provided that it can be shown to the satisfaction of the construction commission that such relief can be granted without substantially impairing the general purpose or intent of the provisions of the City of Peoria codes.

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

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

Sec. 5-62. - When appeal to be filed; records.

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

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

Sec. 5-63. - Hearing and decision.

- (a) The construction commission shall in every case requesting an appeal or variance hold a hearing and reach a decision without unreasonable or unnecessary delay. Every decision of the ~~council~~ commission shall be in writing and shall be promptly filed in the office of the code official. A copy of the decision shall be sent by mail or otherwise to the appellant.
- (b) If a decision of the board reverses an order of the code official and/or fire ~~marshall~~ marshal, they shall take action in accordance with such decision.

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

Sec. 5-64. - Disqualification of member.

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

(Ord. No. 13838, § 1, 11-8-94)

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

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

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

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

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

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-67. - Postponed hearings.

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

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

Sec. 5-68. - Commission decision.

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

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

Sec. 5-69. - Resolution.

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

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-70. - Administration.

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

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-71. - Court review.

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

(Ord. No. 13838, § 1, 11-8-94)

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

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

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

Sec. 5-73. - Purpose generally.

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

(Ord. No. 13838, § 1, 11-8-94)

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

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

(Ord. No. 13838, § 1, 11-8-94)

Sec. 5-75. - Records.

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

(Ord. No. 13948, § 1, 6-13-95)

DIVISION 4. - CERTIFICATES OF OCCUPANCY

Sec. 5-76. - Issuance; contents.

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

(Code 1957, § 8-8; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96; [Ord. No. 17421](#), § 1, 12-13-16)

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

- (a) Upon written request, the code official may issue a temporary certificate of occupancy for the use of any building or structure prior to the completion and occupancy of the entire building or structure and general development standards of such property, provided that such portion or portions shall be occupied safely prior to full completion of the structure or the general development standards of such property without endangering life or public welfare and upon the following conditions:
- (1) The owner or general contractor deposits sufficient funds reasonably calculated for the cost of full compliance with all the applicable ordinances or state law payable to the city in an escrow account established by the city;
 - (2) Said temporary certificate of occupancy may be revoked if conditions are not complied with as determined in writing by the code official;
 - (3) Such temporary certificate of occupancy shall expire up to six (6) months from the date of issuance;
 - (4) Temporary certificates of occupancy issued prior to the passage of this amendment to this section shall expire six (6) months from the passage date of this amendment; and
 - (5) No temporary certificate of occupancy shall be issued to an owner or general contractor if the owner, general contractor or any of the principal officers of the owner or general contractor owe any monetary obligation including, but not limited to fines and fees, to the city for any purpose.
- (b) The city shall return the above-referenced funds maintained in the escrow account to the owner or general contractor upon the following conditions:
- (1) Final certificate of occupancy was granted upon the expiration of the temporary certificate of occupancy;
 - (2) Upon the final inspection, the building or structure and general development standards of such property are in full compliance with all applicable ordinances or state law;
 - (3) No fine has been imposed against the owner or general contractor by an administrative hearing officer or a circuit court for violations of this division or other provisions of this Code including, but not limited to Appendix ~~B-A~~ of the Code-~~Zoning Ordinance and Land~~Unified Development Code related to construction, erection, alteration or repair of the building or structure and land development of such property for which the temporary certificate was issued.
- (c) The above-referenced funds maintained in the escrow account shall be applied to any unpaid fees or monetary obligations owed to the city including, but not limited to fines against the owner or general contractor imposed by an administrative hearing officer or a circuit court for violations of this division or other provisions of this Code including, but not limited to Appendix ~~B-A~~ of the Code-~~Zoning Ordinance and Land~~Unified Development Code related to construction, erection, alteration, repair or occupancy of the building or structure or general development standards of such property for which the temporary certificate was issued.

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

Sec. 5-78. - Change of occupancy.

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

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

Sec. 5-79. - Reserved.

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

Sec. 5-80. - Enforcement.

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

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

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

- (a) No building shall be occupied in any part thereof unless or until a certificate of occupancy has been issued by the code official. The use or occupancy of any building without first receiving a certificate of occupancy or temporary certificate of occupancy is prohibited.
- (b) Any owner, occupant or general contractor found guilty of violating or failing to comply with this division shall be punished by a fine of not less than \$200.00 nor more than as provided in section 1-5.
- (c) Each day a violation of this section exists shall constitute a separate offense.

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

Secs. 5-82—5-90. - Reserved.

DIVISION 5. - CONSTRUCTION AND RELATED PERMITS⁵

Footnotes:

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

Sec. 5-91. - Required; expiration.

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

- (b) If after such permit shall have been granted, the operations called for by the permit shall not be begun within six months after the date thereof, or if such operations are not completed within ~~a reasonable time~~twelve months, determined by the code official at the time of issuance of permit, then such permit shall be void, and no operations thereunder shall be begun or completed until a new permit shall be taken out by the owner, or his agent or contractor, and fees for the original permit shall be paid for such new permit.
- (c) In any and all cases where a general contractor is in charge of, or has been hired or employed by an owner or agent to perform such erection, construction, rebuilding, demolition, enlargement, alteration, repairing or removal of any building in the city, it shall be the duty of the general contractor to procure and pay for the permit herein provided for, and to otherwise comply with the provisions of this Code. In all other cases, it shall be the duty of the owner to procure and pay for such permit and to otherwise comply with the provisions of this Code.
- (d) Prior to receiving a building permit, an applicant shall obtain permits and/or approvals as required for zoning approval, driveway, sidewalk, parking lot, fire department, health department, sewer district, or any other permits required by any other provision of this code.
- (e) It shall be unlawful to place any concrete intended to become part of a foundation system prior to obtaining all permits as required by city ordinance and code.
- ~~(f) All permit fees shall be doubled when work that requires a permit is started prior to obtaining the permit.~~

(Code 1957, § 8-53; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14155, § 1, 8-13-96)

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

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

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

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

- (a) ~~Four~~One paper and one electronic copies of drawings, ~~and~~ specifications, and engineering site plans for the proposed improvement ~~and four copies of an engineering site plan~~ showing the location of the proposed building, and of every existing building thereon, shall accompany every application for a permit required by this division, and shall be filed with the code official provided, however, that the code official may authorize the issuance of a permit without drawings or specifications for minor work not involving structural alterations.
- (b) Complete drawings or facsimiles of same showing all important dimensions shall be drawn to scale and with the specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show the same will be complied with according to law. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the drawings shall accompany the drawings and specifications when required by the code official.
- (c) When the quality of materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information.
- (d) All drawings, specifications and other instruments of service filed with an application for a building permit shall bear the seal of a licensed architect of the state or a registered structural engineer of the state; except that drawings, specifications and other instruments of service, for buildings exempt

from this requirement under the provisions of the laws enumerated hereinbelow, may be filed bearing such evidence of authorship as may be required by such laws. Laws hereinbefore referred to are as follows: Illinois Architecture Practice Act of 1989 (225 ILCS 305/1 et seq.) and the Structural Engineering Licensing Act of 1989 (225 ILCS 340/1 et seq.).

- (e) The first sheet shall include the address, project name, engineer's and/or architect's name if applicable, a reproducible seal, date, type of construction, use group(s), installed fire protection and design options and an index to all sheets forming the complete set of documents.
- (f) The first sheet of all commercial plans submitted for plan review shall include a "statement of compliance." The statement of compliance shall affirm that the architect/engineer has prepared, or caused to be prepared under their direct supervision, the plans and specifications in compliance with the Environmental Barriers Act and the Illinois Accessibility Code. Refer to the Illinois Accessibility Code for format of "statement of compliance."

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

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

- (a) The application, drawings, site plan and specifications filed by an applicant for a permit shall be checked by ~~the building inspections~~building safety staff and by the city engineer, traffic engineer, ~~planning director~~zoning staff, health department, ~~and~~ fire department, and other applicable reviewing agencies and if found to be in conformity with the requirements of this chapter and all other laws or ordinances applicable thereto, ~~and if the engineering site plan and drawings are approved in all respects by all other departments of the city involved~~, the code official shall, upon receipt of the required fee, issue a permit therefor.
- (b) When the building ~~inspections-safety~~ division issues the permit they shall endorse in writing or stamp both sets of drawings and specifications "Plans reviewed and substantially comply with the City of Peoria building codes." One such approved set of drawings and specifications shall be retained by the building ~~inspections-safety~~ division as a public record and one such approved set of drawings and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress and shall be open to inspection by public officials.
- (c) The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation.

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

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

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

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

Sec. 5-96. - Effect of issuance.

- (a) The issuance of a permit shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.
- (b) The issuance of a permit upon plans and specifications shall not prevent the code official from thereafter requiring the correction of errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or any other ordinance of the city.

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

Sec. 5-97. - Fees.

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

~~(1) A processing fee of \$50.00 for a residential permit and \$100.00 for commercial permit shall be assessed on all permit applications. If multiple permit applications for one location are submitted on the same day, only one processing fee shall be charged.~~

~~(2) Plan review and permit fees shall be based on the following schedule:~~

Job Type	Plan Review Fee (if applicable)	Permit Fee (Multiplied by the Applicant's Construction Cost)
New residential; residential addition <u>Residential Permits for Jobs Valued at \$5,000 or Higher</u>	\$150.00	0.0036
Residential alteration; decks; accessory structures	50.00	0.006
All other residential permits	0.00	0.006
New commercial; commercial addition; commercial alteration <u>Commercial Permits</u>	300.00	0.008-0.009 (first \$5 million in value) 0.002 (value over \$5 million)
All other commercial permits	50.00	0.008 (first \$5 million in value) 0.002 (value over \$5 million)
<u>Demolition</u>		<u>\$50</u>

All permit fees shall be tripled when work that requires a permit is started prior to obtaining the permit. Work that is started in response to a bona fide emergency is exempt from prior permit issuance. However, a permit must be obtained within two (2) business days of work starting.

Work that is started prior to obtaining a no-charge permit shall be issued a per-day citation per Section 5-27 of this code.

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

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

(1) Governmental units that are subject to local building codes

(2) Housing development developed primarily for and restricted to households with incomes below 80% of area median income

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

(d) All permit fees associated with construction work designed to mitigate the spread of COVID-19 shall be waived until June 30, 2021.

(d) The Construction Commission shall have sole authority to hear appeals and modify decisions made by the City related to permit fees and work started without a permit.

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

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

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

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

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

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

When development or construction work authorized by a building permit ceases for a period of four months or more, the site will be considered inactive. Further, all sites shall be considered inactive upon the expiration of the building permit, unless an extension is granted by the building official. When a site becomes inactive, the entire site must be graded and sodded/seeded, and all equipment, materials, and construction related fencing must be removed from the site within 30 days. If a property is found to be in

default of these regulations by the hearing officer, the City of Peoria shall have the authority to abate the violations, remove all construction materials and debris, and bill the property owner the full cost of the abatement.

([Ord. No. 17619](#), § 1, 10-9-18)

Secs. 5-10~~10~~—5-120. - Reserved.