

ORDINANCE NO. 2023-01

**AN ORDINANCE ADOPTING AN AMENDED FIRE PREVENTION CODE
FOR THE YORK CENTER FIRE PROTECTION DISTRICT**

WHEREAS, the York Center Fire Protection District (hereinafter "the District") is a fire protection district duly organized under the laws of the State of Illinois; and

WHEREAS, the Board of Trustees (hereinafter "the Board") of the District has express power pursuant to 70 ILCS 705/11, to adopt and enforce fire prevention codes and standards parallel to national standards to promote fire prevention; and

WHEREAS, the Board also has full power pursuant to 70 ILCS 705/6, to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the District for carrying into effect the objects for which the District was formed; and

WHEREAS, the Fire Protection District Act, 70 ILCS 705/11, empowers and makes it the legal duty and obligation of this Board of Trustees to provide as nearly adequate protection from fire for all persons and property within the district as possible and to prescribe necessary regulations for the prevention and control of fire therein; and

WHEREAS, the District is empowered by the Act to provide reasonable safeguards through Fire Prevention Codes to protect the Public Health and Safety against the hazards of fire in buildings and structures and,

WHEREAS, the Board of Trustees (hereinafter "Board") of the District has previously adopted versions of a fire prevention code entitled "An Ordinance adopting a fire prevention / life safety code prescribing regulations governing conditions hazardous to life and property or explosion and establishing a bureau of fire prevention and code enforcement and providing officers therefore and defining their powers and duties"; and

WHEREAS, the Board wishes to adopt the Amended 2021 Edition of the International Fire Code--a comprehensive compilation of codes designed to meet the needs of the local fire jurisdictions through model code regulations that prescribe safeguards for the safety and public health of all communities; and

WHEREAS, the Board also adopts the Amended 2021 Edition of the International Building Code and the 2021 Edition of the International Property Maintenance Code, and incorporates current editions of the National Fire Protection Association Codes and Standards as part of the District's Fire Prevention Codes; and

WHEREAS, the Board desires to better coordinate its fire prevention codes with those codes adopted by the City of Oakbrook Terrace, DuPage County, and the Oakbrook Terrace Fire Protection District; and

WHEREAS, the Board deems it in the best interests of the residents of the District that the District amends its fire prevention code to encourage coordination and to further clarify exceptions to the standard codes.

NOW, THEREFORE, be it ordained by the Board of Trustees of the York Center Fire Protection District, DuPage County, Illinois, as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are hereby found by the Board of Trustees to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: The fire prevention code of the York Center Fire Protection District (hereinafter referred to as the "Fire Prevention Code") shall hereafter be identical with the provisions of the publication(s) listed in **Exhibit A** hereto, and said publication(s) listed in **Exhibit A** hereto are hereby incorporated herein by reference as if fully set forth, except as amended in **Exhibit A** to this Ordinance.

SECTION 3: At least three (3) copies of these Fire Prevention Codes shall be placed on file with the District and shall be available for public inspection at all times during

regular business hours as provided by law.

SECTION 4: Future versions of the District's Fire Prevention Code shall be revised by Board approval of additional **Exhibits** hereto that amend the current **Exhibit A**. All such revisions shall be dated and shall be effective upon approval by the Board of Trustees.

SECTION 4: That it is unlawful to design, construct, alter, enlarge, repair, demolish, remove, use or maintain any building or structure within the boundaries of the York Center Fire Protection District in violation of any terms or provisions of this Ordinance.

SECTION 5: Any person, business, firm, corporation, entity, or property owner with a proven violation of this Code shall be responsible for all fees, costs and expenses, including but not limited to attorney fees, litigation, adjudication and settlement costs, incurred by the York Center Fire Protection District in enforcing the provisions of the adopted Fire Prevention Code.

SECTION 6: All persons in violation of the Fire Prevention Code shall be subjected to fines as set forth and established in Subsection 112.1, Subsection 112.3; 112.4; 112.4.2; and 112.4.3 as amended as follows:

112.1 Unlawful Acts. Delete this section and insert the following text:
Any person, firm or corporation who either knowingly or unknowingly violate any provisions of the Code hereby adopted or fails to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or without first obtaining and verificate or permit issued thereunder, shall be in violation of this Code and subject to penalties;

112.3 Notice of Violation. Delete this section and insert the following text:
If while performing an inspection, the Code Enforcement Officer comes upon a non-life safety hazard, the owner or occupant will receive a copy of the inspection report with the violation(s) listed. The owner or occupant has thirty (30) days in which to correct these violation(s). A re-inspection occurs after the thirty (30) days, and if the violation(s) are still not corrected a Violation Notice shall be given to the owner or occupant. The owner or occupant then has fifteen (15) days to correct the violation(s). If, after the fifteen (15) daytime period has run, the violation(s) have still not been corrected a Violation Ticket will be issued. The owner or occupant has 72 hours to correct the violation(s). If this is

not done, then the Code Enforcement Officer shall direct the issuance of a Non-Traffic Arrest Ticket requiring a court appearance and subjecting the owner or occupant to fines and other penalties.

112.4 Violation Penalties. Delete this section and insert the following text:
Any person who violates a provision of this Code or fails to comply with any of the requirements thereof of who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, a fire official, or of a permit or certificate issued under the provisions of this Code shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (1,500.00), and each day a violation continues shall be considered a separate offense.

112.4.2 Life Safety Violations. Add new section as follows:
If the Code Enforcement Officer comes upon a Life Safety Violation, this violation shall be immediately cited and be remedied while the Code Enforcement Officer is still on site. Life Safety Violations are automatically issued Violation Ticket(s) to the owner or occupant on the premises. If Life Safety Violations are not immediately corrected, the Code Enforcement Officer has the ability to declare the building unsafe pursuant to Section 110 of the Code or to issue a stop work order until all Life Safety Violations have been fully remedied.

112.4.3 Continuing Duty to Remedy. Add new section as follows:
The issuance of a penalty for a Code violation shall not excuse the violation nor shall the penalty permit the violation to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable amount of time. When not otherwise specified, each day that the prohibited Code violations remain unremedied shall constitute a separate offense under this Code.

SECTION 7: Future versions of the District's Fire Prevention Code shall be revised by Board approval of additional **Exhibits** hereto that amend the current **Exhibit A**. All such revisions shall be dated and shall be effective upon approval by the Board of Trustees.

SECTION 8: The Board of Trustees of the District hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of said Board of Trustees that it would have passed all other portions of this Ordinance independent of the elimination here from of such portion as may be declared invalid.

SECTION 9: Neither the enactment of this Ordinance nor the repeal of any

ordinance or parts of ordinances as provided for herein shall be construed to affect or abate any action or cause of action for violation of said prior ordinance or ordinances.

SECTION 10: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with the law (no later than January 1, 2024).

ADOPTED this 9th day of March, 2023, by the following roll call vote:

AYES: 4

NAYS: 0

ABSENT: 1

President, Board of Trustees
York Center Fire Protection District

ATTEST:

Secretary, Board of Trustees
York Center Fire Protection District

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

SS

SECRETARY'S CERTIFICATE

I, Jim Williams, the duly qualified and acting Secretary of the Board of Trustees of the York Center Fire Protection District, DuPage County, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 2023-01

AN ORDINANCE ADOPTING AN AMENDED FIRE PREVENTION CODE FOR THE YORK CENTER FIRE PROTECTION DISTRICT

which Ordinance was duly adopted by said Board of Trustees at a special meeting held on the 9th day of March, 2023.

I do further certify that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand 9th day of March, 2023

Secretary, Board of Trustees
York Center Fire Protection District