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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE ADOPTING THE 2021 EDITION OF THE ICC INTERNATIONAL  
EXISTING BUILDING CODE AND AMENDING ARTICLE VIII OF CHAPTER 22 -  
BUILDINGS AND BUILDING REGULATIONS**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM MCDERMOTT**  
**BIL HAYES**  
**DAN MCDERMOTT**  
**KATE SHAW-DICKEY**  
**JOHN GRUBEN**  
**ROSAELIA ARTEAGA**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd., City Attorneys  
1804 North Naper Boulevard, Suite 350, Naperville, Illinois 60563

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING THE 2021 EDITION OF THE ICC INTERNATIONAL EXISTING BUILDING CODE AND AMENDING ARTICLE VIII OF CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS**

**WHEREAS**, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

**WHEREAS**, the City of Rochelle seeks to update its Building Code regulations by adopting the 2021 edition of the International Code Council (“ICC”) International Existing Building Code and amending Article VIII of Chapter 22 accordingly, (proposed amendments attached herein as Exhibit A); and

**WHEREAS**, the City Council finds that it is in the best interests of the city to adopt the 2021 edition of the ICC International Existing Building Code, with certain amendments thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS**, as follows:

**SECTION ONE:** The foregoing Recitals are not mere preparatory language but are hereby incorporated in this Section One as if said Recitals were fully set forth.

**SECTION TWO:** The 2021 edition of the ICC International Existing Building Code is hereby adopted as the Building Code of the City of Rochelle. “ARTICLE VIII. – EXISTING BUILDING CODE” of “Chapter 22 – BUILDINGS AND BUILDING REGULATIONS” of the Rochelle Municipal Code is hereby amended as reflected in the attached Exhibit A.

**SECTION THREE:** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION FOUR:** Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

**SECTION FIVE:** The City Clerk with the approval of the City Manager, is authorized to correct any non-substantive drafting or formatting issues in Chapter 22 that may result from the adoption of this Ordinance. The City Clerk shall publish this Ordinance in pamphlet form.

**SECTION SIX:** This Ordinance shall become effective July 1, 2025.

PASSED THIS 23<sup>rd</sup> day of June 2025.

AYES:

NAYS:

ABSENT:

APPROVED THIS 23<sup>rd</sup> day of June, 2025.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT A**  
**International Existing Building Code**

Article VIII of Chapter 22, of the Code of Ordinances of the City of Rochelle, Illinois, is hereby amended as follows:

**ARTICLE VIII. - EXISTING BUILDING CODE**

**Section 22-121. Adopted by reference.**

The ICC International Existing Building Code/2021, as published by the International Code Council, Inc. is hereby adopted as the International Existing Building Code of the City of Rochelle in the State of Illinois; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said ICC International Existing Building Code are hereby referred to, adopted and made a part hereof as if fully set out in the section, with the additions, insertions, deletions and amendments contained in section 22-122 of this article. A copy of this code shall remain on file at the office of the city clerk and building division of the community development department for public review and inspection.

**Section 22-122 Amendments.**

**The ICC International Existing Building Code/2021 is amended as follows:**

- (1) Section 101.1 is amended as follows:

**[A] 101.1 Title.** These regulations shall be known as the *Existing Building Code of Rochelle, State of Illinois*, hereinafter referred to as “this code.”

- (2) Section 101.7 is amended as follows:

**101.7 Correction of violations of other codes.** *Repairs or alterations* mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform to the requirements of that code, rule, or ordinance and ~~shall not be required to conform to this code unless the code requiring such repair or alteration so provides~~ shall also conform to applicable provisions of this code.

- (3) Section 101.8 is added as follows:

**101.8 Exterior and party walls.** When an adjacent structure wall is exposed as a result of demolition, the resulting exposed to the exterior walls shall be protected with waterproof materials during demolition and all necessary repairs to the wall to make it comply with requirements of Chapter 14 shall be made by the building owner.

(4) Section 103.1 is amended as follows:

**103.1 Creation of enforcement agency.** ~~The [INSERT NAME OF DEPARTMENT] is hereby created, and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~ The Building Division within the Department of Community Development is hereby created, and the official in charge thereof shall be known as the code official.

(5) Section 103.4 is added as follows:

**103.4 Restriction of employees.** An official or employee connected with the enforcement of this code, except whose only connection is that of a member of the board of appeals established under the provisions of section 113 of this code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

(6) Section 105.2 is amended as follows:

**105.2 Work exempt from permit.** Exemptions from *permit* requirements of this 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 laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

**Building:**

- ~~1. One-story detached accessory structures used as decks, tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11.15 m<sup>2</sup>).~~
- ~~2. Fences not over 7 feet (1219mm) high.~~
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from grade at the bottom of footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly upon grade if the capacity ~~is not greater than~~ does not exceed 5000 gallons (18925 L) and the ratio of height to diameter or width ~~is not greater than~~ does not exceed 2:1.
- ~~6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.~~
7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated *swimming pools* accessory to a group R-3 occupancy that are less than 24 inches (610 mm) deep., ~~are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.~~
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment. ~~Accessory to detached one and two-family dwellings.~~
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. . Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1733 mm) in height.
14. Replacement of doors or windows provided the size is not changed, the replacement unit meets the Energy Conservation Code requirements and a fire rating is not required.
15. Repair or replacement of interior or exterior wall, floor, or ceiling assembly components provided:
  - a. Not more than 50% of an interior or exterior wall, floor, or ceiling assembly calculated individually in a room is affected.
  - b. The scope of work does not affect any fire rated or structural components, and
  - c. Structural elements required to be protected or that are in a hazardous condition are not exposed.

#### **Electrical:**

1. **Repairs and maintenance:** ~~Minor repair work, including: the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~
  1. Temporary cord and plug lighting, provided they are not within a tent requiring a permit.
  2. Replacement of plug and switch receptacles, light fixtures or ceiling fans weighing less than 35 lbs. provided wiring a junction box are not altered.
  3. Repair or replacement of branch circuit overcurrent devices.
  4. Temporary wiring for experimental purposes in suitable experimental testing laboratories.
  5. Wiring, devices, appliances, apparatus or equipment operating at less than 25v and 50w.
  6. Low voltage wiring and systems not associated with fire alarm or other life safety systems.
  7. Repair or replacement of interior or exterior wall and ceiling coverings provided:
    - a. Not more than 50% of coverings in a room are removed.
    - b. Framing is not exposed to the extent where smoke alarms are required to be wired to the building's, electrical system and be interconnected by section 907.2.10.
    - c. Electrical wiring in a hazardous condition are not exposed and the minimum standards for receptacles, light switches and light fixtures established in Sections 604 and 605 of the *International Property Maintenance Code* as amended have been met.

d. Electrical systems are not being resized, rearranged or extended.  
8. Replacement of counters provided they are not lengthened more than two feet where part of a kitchen or wet bar within a dwelling.

**1. Radio and television transmitting stations:**

The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**2. Temporary testing systems:**

A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. ~~Portable~~ Any portable heating *appliance*.
2. ~~Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.~~ Portable ventilation appliances and equipment.
3. Portable cooling units.
4. Portable evaporative coolers.
5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make equipment or appliance unsafe.
6. Self-contained refrigeration package-type equipment in which all components of the refrigeration system are located within a single enclosure without requirement for on-site assembly or piping of any kind whatsoever.

**Mechanical:**

1. ~~Portable~~ Any portable heating *appliance*.
2. Portable ventilation appliances and equipment.
3. Portable cooling units.
4. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code.
5. Replacement of any minor part that does not alter ~~its~~ the approval of equipment or an appliance or make ~~it~~ equipment or appliance unsafe.
6. Portable evaporative coolers.
7. Self- contained refrigeration ~~system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.~~ package-type equipment in which all components of the refrigeration system are located within a single enclosure without requirement for on-site assembly or piping of any kind whatsoever.
8. Replacement of HVAC equipment in Group R-3 and U occupancies provided the replacement unit meets the Energy Conservation Code requirements and a fire rating is not required.

**Plumbing:**

1. The stoppage of leaks in drains, water, soil, waste or vent pipe; provided, however, ~~that if any concealed trap, drain pipe, 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.~~ that it does not require the resizing or rearrangement of any defective trap or pipe.

2. ~~The clearing of stoppages, or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets,~~ removal of fixtures or the repairing of leaks in pipes, valves or fixtures provided such repairs do not involve or require the replacement ~~resizing~~ resizing or rearrangement of valves, pipes or fixtures.
3. The repair or replacement of fixtures, water softeners or water purifiers in the same location, provided that it does not require the resizing or rearrangement of any trap or piping.
4. Repair or replacement of interior or exterior wall and ceiling coverings provided:
  - a. Plumbing systems in a hazardous condition are not exposed, or
  - b. Plumbing systems are not being resized, rearranged or extended.

(7) Section 105.2.2 as amended as follows:

**105.2.2 Repairs.** Application or notice to the *building official* is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any framing within ceiling, floor, wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(8) Section 105.3.4 is added as follows:

**105.3.4 Application for plumbing permit.** Each application for a plumbing permit shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location, the proposed occupancy of the building(s) and other information required by the code official. The application shall be submitted by a State of Illinois plumbing license holder. In the event that more than one license holder is employed by a firm or corporation, the license holder that is submitting an application shall be listed on that application. Permits are not transferable from one license holder to another.

**Exception:** The owner- occupant of a single-family dwelling or owner of a single-family dwelling under construction for his or her occupancy upon completion is permitted to plan, install, alter, and repair the plumbing systems of such dwelling without a license provided that required permits are obtained and such systems comply with the requirements of the Illinois Plumbing Code. The owner-occupant shall not employ other than a State of Illinois licensed plumber to assist him or her.

(9) Section 106.3 is amended as follows:



**106.3 Examination of documents.** The *code official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. The Fire Department may review all plans for issuance of building, fire suppression and fire alarm (electrical) permits. The plans will be made available in the Building Department offices. If the plans do not conform with the requirements set forth by this code, they shall be rejected by the Fire Department pursuant to Section 112 of this code.

- (10) Section 108.4 is deleted and replaced as follows:

~~**108.4 Work commencing before permit issuance.** Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.~~

**108.4 Work commencing before permit issuance.** When a permit is required by this code, and work is started or proceeds without a valid permit, penalties shall be assessed by a fine per the general penalty of [section 1-15](#) for each offense and each day that said offense occurs or continues to occur; however, noncompliance of orders issued by the Building Official the fine shall be no less than \$200.00 or more than the maximum amount allowed by state statute for each offense and each day that said offense occurs or continues to occur.

- (11) Section 108.6 is deleted and replaced as follows.

~~**108.6 Refunds.** The building official is authorized to establish a refund policy. No plan review or permit fees shall be refunded.~~

- (12) Section 109.3 is amended as follows:

**109.3 Required Inspections.** The *building official*, upon notification, shall may make the inspections set forth in Sections 109.3.1 through 109.3.11. Where the word “shall make” or “shall be made” appears in Sections 110.3.1 through 110.3.12 it shall mean “may make or may be made”.

- (13) Section 109.7 is added as follows:

**109.7 Re-inspections.** Any item of inspection that fails to meet code requirements on the initial or first re-inspection may be subject to re-inspection fee as determined accordance with the Fee Schedule of the City of Rochelle Municipal Code and charged to the permit holder for each additional reinspection performed.

- (14) Section 113.4 is amended as follows:

**113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved *construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and punishable by a fine not less than \$200.00 or more than the maximum amount allowed by state statute for each offense and each day that said offense occurs or continues to occur.

(15) Section 115.4 is deleted and amended as follows:

~~**115.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is served with one of the following methods:~~

- ~~1. A copy delivered to the owner personally.~~
- ~~2. A copy sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.~~
- ~~3. A copy delivered in any other manner as prescribed by local law.~~

~~If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.~~

**115.4 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered to the owner personally; or
2. Sent by first class mail, postage prepaid, to the owner at the last known address; or
3. Sent by certified mail, postage prepaid, addressed to the owner at the last known address with return receipt requested, if required by State of Illinois law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of notice on the owner.

(16) Section 306.1 is amended as follows:

**306.1 General.** Accessibility for existing buildings shall comply with the applicable provisions of the Illinois Accessibility Code.

**306.1.1 Alterations.** A building, facility or element that is altered shall comply with the applicable provisions of the Illinois Accessibility Code.

**306.1.2 Change of Occupancy.** A building, facility or element that is undergoing a change of occupancy shall comply with the applicable provisions of the Illinois Accessibility Code.

**306.1.3 Additions.** Additions shall comply with the applicable provisions of the Illinois Accessibility Code.

(17) Appendix B

## **SECTION B101 QUALIFIED HISTORIC BUILDINGS AND FACILITIES**

### **[BE]B101.1 General.**

Qualified historic buildings and facilities shall comply with Sections B101.2 through B101.5.

### **[BE]B101.2 Qualified historic buildings and facilities.**

These procedures shall apply to buildings and facilities designated as historic structures that undergo alterations or a change of occupancy.

### **[BE]B101.3 Qualified historic buildings and facilities subject to Section 106 of the National Historic Preservation Act.**

Where an alteration or change of occupancy is undertaken to a qualified historic building or facility that is subject to Section 106 of the National Historic Preservation Act, the federal agency with jurisdiction over the undertaking shall follow the Section 106 process. Where the state historic preservation officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the alternative requirements of Section 306.7.16 for that element are permitted.

### **[BE]B101.4 Qualified historic buildings and facilities not subject to Section 106 of the National Historic Preservation Act.**

Where an alteration or change of occupancy is undertaken to a qualified historic building or facility that is not subject to Section 106 of the National Historic Preservation Act, and the entity undertaking the alterations believes that compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, the entity shall consult with the state historic preservation officer. Where the state historic preservation officer determines that compliance with the accessibility requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historical significance of the building or facility, the alternative requirements of Section 306.7.16 for that element are permitted.

### **[BE]B101.4.1 Consultation with interested persons.**

Interested persons shall be invited to participate in the consultation process, including state or local accessibility officials, individuals with disabilities, and organizations representing individuals with disabilities.

**[BE]B101.4.2 Certified local government historic preservation programs.**

Where the state historic preservation officer has delegated the consultation responsibility for purposes of this section to a local government historic preservation program that has been certified in accordance with Section 101 of the National Historic Preservation Act of 1966 [(16 U.S.C. 470a(c)] and implementing regulations (36 CFR 61.5), the responsibility shall be permitted to be carried out by the appropriate local government body or official.

**[BE]B101.5 Displays.**

In qualified historic buildings and facilities where alternative requirements of Section 306.7.16 are permitted, displays and written information shall be located where they can be seen by a seated person. Exhibits and signs displayed horizontally shall be 44 inches (1120 mm) maximum above the floor.

**SECTION B102**

**FIXED TRANSPORTATION FACILITIES AND STATIONS**

**[BE]B102.1 General.**

Existing fixed transportation facilities and stations shall comply with Section B102.2.

**[BE]B102.2 Existing facilities—key stations.**

Rapid rail, light rail, commuter rail, intercity rail, high-speed rail and other fixed guideway systems, altered stations, and intercity rail and key stations, as defined under criteria established by the Department of Transportation in Subpart C of 49 CFR Part 37, shall comply with Sections B102.2.1 through B102.2.3.

**[BE]B102.2.1 Accessible route.**

One accessible route, or more, from an accessible entrance to those areas necessary for use of the transportation system shall be provided. The accessible route shall include the features specified in Section E109.2 of the International Building Code, except that escalators shall comply with Section 3004.2.2 of the International Building Code. Where technical unfeasibility in existing stations requires the accessible route to lead from the public way to a paid area of the transit system, an accessible fare collection machine complying with Section E109.2.3 of the International Building Code shall be provided along such accessible route.

**[BE]B102.2.2 Platform and vehicle floor coordination.**

Station platforms shall be positioned to coordinate with vehicles in accordance with applicable provisions of 36 CFR Part 1192. Low-level platforms shall be 8 inches (250 mm) minimum above top of rail.

Exception: Where vehicles are boarded from sidewalks or street-level, low-level platforms shall be permitted to be less than 8 inches (250 mm).

### **[BE]B102.2.3 Direct connections.**

New direct connections to commercial, retail or residential facilities shall, to the maximum extent feasible, have an accessible route complying with Section 306.7.1 from the point of connection to boarding platforms and transportation system elements used by the public. Any elements provided to facilitate future direct connections shall be on an accessible route connecting boarding platforms and transportation system elements used by the public.

## **SECTION B103**

### **DWELLING UNITS AND SLEEPING UNITS**

#### **[BE]B103.1 Communication features.**

Where dwelling units and sleeping units are altered or added, the requirements of Section E104.2 of the International Building Code shall apply only to the units being altered or added until the number of units with accessible communication features complies with the minimum number required for new construction.

## **SECTION B104**

### **REFERENCED STANDARDS**

(18) Appendix D

## **BOARD OF APPEALS**

### **SECTION D101**

#### **GENERAL**

**D101.1 Scope.** A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section 107 (Means of Appeals). The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

**D101.2 Application for appeal.** Any person shall have the right to appeal a decision of the code official to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better

form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

**D101.2.1 Limitation of authority.** The board shall not have authority to waive requirements of this code or interpret the administration of this code.

**D101.2.2 Stays of enforcement.** Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

- (19) Section D101.3 is deleted and replaced as follows:

**D101.3 Membership of the board.** The Planning and Zoning Commission, as established by Chapter 74, Article II, Section 74-31, of the Rochelle Municipal Code, shall serve as the Board of Appeals. The building official shall be an ex officio member of said board but shall not vote on any matter before the board.

- (20) Section D101.3.1 is amended as follows:

**D101.3.1 Qualifications.** The board shall consist of five individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

- (21) Section D101.3.2 is deleted and replaced as follows:

**D101.3.2 Alternate members.** Alternate members shall be chosen as established by Chapter 74, Article II, Section 74-31, of the Rochelle Municipal Code.

- (22) Section D101.3.3 is deleted and replaced as follows:

**D101.3.3 Vacancies.** Vacancies shall be filled as established by Chapter 74, Article II, Section 74-31, of the Rochelle Municipal Code.

- (23) Section D101.3.4 is deleted and replaced as follows:

**D101.3.4 Chairperson.** The board shall select one of its members to serve as chairperson.

- (24) Section D101.3.5 is deleted and replaced as follows:

**D101.3.5 Secretary.** The secretary shall be appointed as established by Chapter 74, Article II, Section 74-37, of the Rochelle Municipal Code.

**D101.3.6 Conflict of interest.** A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

(25) Section D101.3.7 is deleted and replaced as follows:

**D101.3.7 Compensation of member.** Expenses incurred by the members are to be itemized and shall be borne by the city.

(26) Section D101.3.8 is deleted and replaced as follows:

**D101.3.8 Removal from the board.** A member shall be removed as established by Chapter 74, Article II, Section 74-31, of the Rochelle Municipal Code.

(27) Section D101.4 is deleted and replaced as follows:

**D101.4 Rules and procedures.** The board shall establish policies and procedures as established by Chapter 74, Article II, Section 74-32(d), of the Rochelle Municipal Code.

**D101.5 Notice of meeting.** The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic intervals.

**D101.5.1 Open hearing.** All hearings before the board 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.

(28) Section D101.5.2 is amended as follows:

**D101.5.2 Quorum.** ~~Three~~ Four members of the board shall constitute a quorum.

**D101.5.3 Postponed hearing.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**D101.6 Legal counsel.** The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

(29) Section D101.7 is amended as follows:

**D101.7 Board decision.** The board shall only modify or reverse the decision of the code official by a concurring vote of ~~three~~ four or more members.

(30) Section D101.7.1 is amended as follows:

**D101.7.1 Resolution.** The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of the ~~code official~~ City Clerk within three days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the code official upon request.

**D101.7.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

**D101.8 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.



STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE         )       SS.

CERTIFICATE

I, Rose Hueramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois,  
DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “  
AN ORDINANCE ADOPTING THE 2021 EDITION OF THE ICC INTERNATIONAL  
EXISTING BUILDING CODE AND AMENDING ARTICLE VIII OF CHAPTER 22 -  
BUILDINGS AND BUILDING REGULATIONS” which was adopted by the Mayor and City  
Council of the City of Rochelle on June 23, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 23<sup>rd</sup> day of June, 2025.

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CITY CLERK