

CITY OF HIGHWOOD
ORDINANCE NO. 2009-0-_____
AN ORDINANCE AMENDING THE HIGHWOOD MUNICIPAL CODE
REGARDING AUTOMATIC SPRINKLER PROTECTION SYSTEM IN
EXISTING HIGH DENSITY RESIDENTIAL STRUCTURES

WHEREAS, the City of Highwood is a Home Rule Unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and

WHEREAS, Section 2007-O-27 of the Highwood Municipal Code adopted the 2006 BOCA International Building Code and the 2006 BOCA International Fire Code; and

WHEREAS, the City has amended the 2006 BOCA International Building Code and 2006 BOCA International Fire Code by means of Section 2007-O-27 of the Highwood Municipal Code; and

WHEREAS, the City Council of The City of Highwood has determined that the public health, safety and welfare of the residents of the City will be served by the adoption of the requirements set forth herein,

WHEREAS, the installation of an Automatic Fire Sprinkler System will reduce the amount of fire loss, fire related injury and death, and property loss; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHWOOD, Lake County, Illinois, in the exercise of its Home Rule Authority:

SECTION 1: The Highwood Municipal Code, as amended, is hereby further amended so that Section 903 of the International Building Code 2006 edition, as amended and made a part of the Highwood Municipal Code is further amended as follows:

Section 903 Automatic Sprinkler Systems. Delete Sections 903.2.1 through 903.2.9 and add the following. All new buildings and structures in any group regardless of size or height shall have an automatic sprinkler system as well as any building or structure listed in Section 903.2.16 of the Highwood Municipal Code.

SECTION 2: The Highwood Municipal Code, as amended, is hereby further amended to add Section 903.2.16 of the International Building Code 2006 edition, as amended and made a part of the Highwood Municipal Code as follows:

903.2.16. Retrofitting of Existing High Density Residential Structures:

903.2.16.1

1. Definitions:

- a. "Existing High Density Residential Structures" means the following any residential building in existence on January 1, 2009 which:
 - i. Exceeds three (3) stories in height; and
 - ii. Includes twenty (20) or more residential units.
- b. "Owner" shall mean the entity or person owning an Existing High Density Residential Structure.
- c. "Sprinkler Compliance Date" means December 31, 2011.
- d. "Sprinkler Compliance Plan" means the plans and specifications prepared by the Owner to provide a Sprinkler Protection System for an Existing High Density Residential Structure not later than the Sprinkler Compliance Date.
- e. "Sprinkler Protection System" shall mean the an automatic sprinkler fire suppression system commonly referred to as a sprinkler system in conformance with then current requirements of the City of Highwood Municipal Code.

2. **Sprinkler Required:** Except as may be modified as provided herein, a Sprinkler Protection System shall be provided for any Existing High Density Residential Structures not later than the Sprinkler Compliance Date

3. Sprinkler Compliance Plan:

- a. The Owner of any Existing High Density Residential Structures shall, not later than December 31, 2009 submit Sprinkler Compliance Plan for such Structure to achieve compliance with the requirements of this Section not later than the Sprinkler Compliance Date.
- b. The Sprinkler Compliance Plan shall consist of such information as reasonably required by the Fire Marshall including but not necessarily limited to:
 - i. Detailed plans and specifications setting forth the design of the Sprinkler Protection System
 - ii. A timetable for initiating and completing the automatic sprinkler system not later than the Sprinkler Compliance Date.
 - iii. Procedures/plans for installing the Sprinkler Protection System, including whether this will be completed while the Existing High Density Residential Structures is partially or fully occupied.

- c. The Fire Marshall shall review and approve the Sprinkler Compliance Plan if it is conformance with requirements of the Highwood Municipal Code for automatic sprinkler protection systems.
- d. Work shall be undertaken in conformance with the approved Sprinkler Compliance Plan in a manner to ensure completion on or before the Sprinkler Compliance Date.

4. Modification:

- a. The provisions of this Section may be modified to extend deadlines set forth herein, or to provide alternative protective measures in lieu of a Sprinkler Protection System as provided herein.
- b. Standards for Modification. A modification may be granted when the Owner establishes that:
 - i. Existing or alternative protective measures (such as but not limited to type of materials and means of construction) can provide substantially equivalent protection to an automatic sprinkler protection system; or
 - ii. Although substantially equivalent protection to an automatic sprinkler protection system cannot be established, the Owner establishes that the cost of compliance substantially outweighs the benefits realized, in light of use and existing and/or alternative protective (such as but not limited to type of materials and means of construction).
 - iii. The cost of compliance with a deadline set forth herein, in light of use and existing and/or alternative protective (such as but not limited to type of materials and means of construction) substantially outweighs the benefits realized by such timely compliance
- c. An application for modification shall be filed with the in the Fire Marshall not later than the June 30, 2009. Such application shall be in writing and shall include such information as reasonably required by the Fire Marshall including but not limited to:
 - i. Identity of the Owner. If the Owner is a corporation or limited liability company, partnership of similar entity, the all persons owning 20% or more the entity shall be identified. If the Owner is a trust, all beneficiaries holding 20% or more shall be identified.
 - ii. Description of the property including:
 - 1. current improvements
 - 2. number of residential units

3. current assessed value
 4. age
 5. construction type
- iii. Detailed description of the modification(s) sought.
 - iv. Detailed information establishing the basis for such modification request based upon the Standards for Modification set forth above.
- d. Upon receipt of all required information, the application for modification the Fire Marshall shall notify the Mayor and City Council which shall appoint not less than three persons to serve as the Hearing Commission.
 - e. A hearings on the request for modification shall be conducted by the Hearing Commission and shall be in accordance with the following rules and procedures:
 - i. The hearing shall commence as promptly as possible, but in any event within 30 days of the establishment of the Hearing Commission.
 - ii. A record of the Hearing shall be made by tape recording or other appropriate means.
 - iii. The parties may be represented by counsel, present witnesses, and cross-examine opposing witnesses.
 - iv. The Hearing Commission may grant continuances only upon a finding of good cause.
 - v. All testimony shall be given under oath or affirmation.
 - vi. Parties may request the Hearing Commission to issue, and the Hearing Commission shall have the authority to issue, subpoenas to direct the attendance and testimony of relevant witnesses and produce relevant documents.
 - vii. Each Hearing shall culminate in a determination denying or granting in whole or in part the requested modification.
 - f. Any final decision by the Hearing Commission shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et seq.*).

SECTION 3: All ordinances or parts of ordinances in conflict with the provision of this Ordinance are repealed.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

PASSED this _____ day of _____, 2009.

AYES: _____ NAYS: _____ ABSENT: _____ ABSTAIN: _____

APPROVED this _____ day of _____, 2009.

VINCENT J. DONOFRIO
Mayor, City of Highwood

ATTEST:

Susan Druktenis, City Clerk

CITY COUNCIL MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Frank Bruni	_____	_____	_____	_____
Charles B. Pecaro	_____	_____	_____	_____
Mike Fiore	_____	_____	_____	_____
Walter Pieri	_____	_____	_____	_____
Louise Linari	_____	_____	_____	_____
Kathleen Murphy-Pieri	_____	_____	_____	_____
Leonard Cahnmann	_____	_____	_____	_____
James W. Hospodarsky	_____	_____	_____	_____