

## **Acknowledgment of State of Illinois Laws Affecting Construction of Dwellings and/or Dwelling Additions**

The County of Ogle has not adopted and does not enforce a residential building code or energy efficient building standards; as such, the County of Ogle does not conduct building inspections for compliance with any applicable building construction and/or code requirements, or energy efficient building standards. However, the State of Illinois has enacted a number laws that require new dwellings and/or new dwelling additions to adhere to certain building construction and/or code requirements, and energy efficient building standards. The following is a compendium of State of Illinois regulations that may affect the construction of new dwellings and/or dwelling additions as applicable.

### **ILLINOIS RESIDENTIAL BUILDING CODE ACT (815 ILCS 670)**

Public Act 93-778 Effective January 1, 2005

The Illinois Residential Building Code Act provides that in a county that has not adopted a building code, the following codes shall apply to all newly constructed, one- and two-family homes:

- A. The home builder and the home purchaser can agree to use a building code that is used by a municipality within 100 miles of the prospective home site, or;
- B. If the home builder and home purchaser fail to agree on a residential building code, or if no residential building code is stated in the contract, the following codes will automatically apply:
  1. The plumbing code promulgated by the Illinois Department of Public Health under Section 35 of the Illinois Plumbing License Law.
  2. The National Electric Code as adopted by the American National Standards Institute.
  3. The International Residential Code.

In the instance where a home is constructed for resale, sometimes referred to as a “spec home”, the builder must certify to the buyer that the home was constructed in compliance with B. 1., 2. and 3. above.

## **ILLINOIS CARBON MONOXIDE ALARM DETECTOR ACT (430 ILCS 135/)**

Public Act 94-741, effective January 1, 2007

The Illinois Carbon Monoxide Alarm Detector Act requires homeowners and landlords to install carbon monoxide detectors in all buildings containing bedrooms and sleeping facilities.

The primary features of the law are as follows:

- Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.
- Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes.
- A) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit with written information regarding alarm testing and maintenance.  
B) The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner.
- The carbon monoxide alarms required under this Act may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up.
- Willful failure to install or maintain in operating condition any alarm is a Class B criminal misdemeanor.
- Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, is a Class A misdemeanor in the case of a first conviction and a Class 4 felony in the case of a second or subsequent conviction.

The Act does exempt certain residential units from the requirement. Those residential units in a building that (i) does not rely on combustion of fossil fuel for heat, ventilation or hot water; (ii) is not connected to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide to receive carbon monoxide from that source OR a residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building commissioner shall NOT require carbon monoxide detectors.

## **ILLINOIS ENERGY EFFICIENT BUILDING ACT (20 ILCS 3125/)**

Public Act 96-778, August 28, 2009

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.

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 2012 International Energy Conservation Code and the American Society of Heating, Refrigeration and Air-conditioning Engineers (ASHRAE) Standard 90.1, 2010 “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. Also under the law, Section 20 of the Act provides that if a unit of local government, such as the County of Ogle, does not regulate energy efficient building standards, any construction, renovation, or addition to buildings or structures *is subject to the provisions contained in the Act*.

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 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.

**RADON RESISTANT CONSTRUCTION ACT (420 ILCS 52/)**

Public Act 97-953, Effective June 1, 2013

Effective June 1, 2013, all new construction of single-family homes or dwellings containing 2 or fewer apartments, condominiums, or town homes must have a passive radon pipe installed. The installation of this radon resistant construction may be performed by a residential building contractor or his or her subcontractors or a radon contractor during new residential construction. Only a radon mitigation contractor licensed by the Illinois Emergency Management Agency may install a radon vent fan or upgrade this passive new construction pipe to an active mitigation system.

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**Acknowledgment:**

Project for which a Zoning Certificate is being applied for:

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Project PIN: \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_

Project Site Address: \_\_\_\_\_

I/we hereby acknowledge that I/we are aware of the laws of the State of Illinois regarding residential construction including the requirements of the Illinois Residential Building Code Act, the Illinois Carbon Monoxide Alarm Detector Act, the Illinois Energy Efficient Building Act, and the Radon Resistant Construction Act. I/we also acknowledge that the County of Ogle has not adopted and does not enforce a residential building code; as such, the County of Ogle does not conduct building inspections for compliance with any applicable building construction and/or code requirements.

Owner:

Contractor/Agent:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Date:

Date:

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