Ordinance ~~2024-~~ 25-4483

ORDINANCE AUTHORIZING AND APPROVING AN "ILLINOIS LOCAL ELEVATOR SAFETY PROGRAM AGREEMENT" BY AND BETWEEN THE OFFICE OF THE STATE FIRE MARSHAL AND THE VILLAGE OF BARRINGTON

WHEREAS, Article VII, Section 10, of the 1970 Constitution of the State of Illinois and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, et seq., authorize and encourage intergovernmental cooperation; and

WHEREAS, the Illinois State Fire Marshal (the "OSFM") has submitted to the Village of Barrington ("the Village") a certain "Illinois Local Elevator Safety Program Agreement" (the "updated Agreement"), a copy of which is attached hereto and made a part hereof as Exhibit A, in order to authorize the Village to operate an Elevator Safety Program in compliance with Section 140 of the Illinois Elevator Safety Act (225 ILCS 312/140) and the Administrative Rules adopted at 41 Ill. Adm. Code 1000; and

WHEREAS, the Village previously entered into a similar agreement with the OSFM, and the OSFM has requested the Village to enter into an updated Agreement which addresses programmatic modifications implemented by the OSFM; and

WHEREAS, the Village, by its Corporate Authorities, has determined that the terms and conditions of the updated Agreement will promote the public health, safety, and welfare and are consistent with the best interests of the Village and its residents; and

WHEREAS, it is in the best interests of this Village and its residents that said updated Agreement be executed and in effect:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of this Village as a Home Rule unit, as follows:

SECTION 1: That the Corporate Authorities of the Village do hereby incorporate the foregoing recitals of the preamble hereto into this Ordinance as its findings as though fully set forth herein.

SECTION 2: That the "Illinois Local Elevator Safety Program Agreement" (the "updated Agreement"), in substantially the form attached hereto and made a part hereof as Exhibit A, shall be and is hereby authorized, ratified, and approved, and the Village President is hereby authorized to execute said updated Agreement and the Village Clerk is hereby authorized to attest to her signature, and such execution is hereby ratified.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED THIS 13 DAY OF JANUARY, 2024, BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lohmeyer, Wondrasek, Duncan, Moran, Prigge and President Darch

NAYS: NONE

ABSENT: Trustee Sholeen

ABSTAIN: NONE

RECUSE: NONE

APPROVED THIS 13 OF JANUARY, 2024

Karen Y. Darch, Village President

ATTESTED AND FILED THIS 13 DAY OF JANUARY, 2024.

Tony Ciganek, Village Clerk

(SEAL)

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

EXHIBIT A

Illinois Local Elevator Safety Program Agreement

ILLINOIS LOCAL ELEVATOR SAFETY PROGRAM AGREEMENT

This Illinois Local Elevator Safety Program Agreement ("Agreement") is made between the Office of the State Fire Marshal ("OSFM") and the municipality or county ("Local Administrator") as hereinafter identified.

This Agreement constitutes a contract between the OSFM and Local Administrator which permits the Local Administrator to operate a Local Elevator Safety Program ("Program") in conformity with Section 140 of the Elevator Safety Act (225 ILCS 312/140) and the Administrative Rules adopted at 41 Ill. Adm. Code 1000. In that regard, the Local Administrator agrees to the following:

1. This Agreement will become effective on the date it is accepted by the OSFM and shall remain valid for a period of four (4) calendar years thereafter. Prior to the expiration of this Agreement, the Local Administrator shall reapply for approval of its Program by submitting to the OSFM the information detailed in Section 2, below.

2. The Local Administrator shall submit to the OSFM, along with this Agreement executed by an officer of the Local Administrator, the following information, and shall notify the OSFM in writing of any changes to subsections "A" and "B" thereafter during the term of this Agreement:
   A. The name and contact information of the Local Administrator's designated Local Elevator Safety Program manager. It is the responsibility of the Local Administrator to notify the OSFM of any changes to the Local Elevator Safety Program manager's name and contact information.
   B. The name and contact information of any third party inspection company or companies under contract with the Local Administrator, or the name and license number of the inspector(s) employed by the Local Administrator to perform such inspections.
   C. The number and type of conveyances covered by the Program.
   D. The number and type of conveyances NOT covered by the Program, if any. These records shall be maintained by the Local Administrator.

3. The Local Administrator, by signing this Agreement, attests to the OSFM that it will enforce safety standards, codes and regulations at least as stringent as those adopted in the current version of the Illinois Elevator Safety Rules, 41 Ill. Adm. Code 1000.60. The Local Administrator also agrees to amend and enforce its Program, as required by Section 6(l) of this Agreement, to reflect subsequent amendments to the safety standards, codes and regulations adopted by the Illinois Elevator Safety Rules.

4. Should the Local Administrator desire to amend any of the Standards, the Local Administrator must submit to the OSFM, for approval by the Illinois Elevator Safety Review Board ("Board'"), a copy of the amendment and its reason for the change. The Board shall review the amendment and notify the Local Administrator no later than thirty (30) days after the Board meeting at which the variance request is heard of its approval or denial.

5. With respect to ASME A17.3-2005, Safety Code for Existing Elevators and Escalators, upgrades required by Section 35(h) must be completed no later than January 1, 2015. By signing this Agreement, the Local Administrator recognizes that Public Act 97-1048 adjusted the compliance date for upgrade requirements to the restricted opening of hoistway doors or car doors on passenger elevators from January 1, 2015 to January 1, 2014. An

existing conveyance is a conveyance located in a building for which a building permit was issued prior to the effective date of the Administrative Rules which were adopted in conformance with the Elevator Safety and Regulation Act.

6. By signing this Agreement, the Local Administrator agrees to operate its Program in compliance and conformance with the Elevator Safety and Regulation Act and Administrative Rules. Under the Program, the Local Administrator shall:

   A. Issue construction and alteration permits and certificates of operation.

   B. Consider requests to extend the time frame for construction or alteration permits. Such requests shall be granted for an additional twelve (12) months if the request is received by the Local Administrator prior to expiration of the existing permit. Extension requests received by the Local Administrator after the expiration of the existing permit shall be denied, requiring a new application that must be accompanied by payment of the current fee charged by the Local Administrator.

   C. Provide for inspection of elevators, including temporary operation inspections.

   D. Grant exceptions and variances from the literal requirements of applicable State codes, standards and regulations in cases in which such variances would not jeopardize the public safety and welfare. The OSFM shall be notified immediately by mail of any exception or variance granted. The OSFM may object to such exception or variance within seven (7) business days of receipt of the notice. Should the OSFM and Local Administrator not reach agreement on the exception or variance, the matter shall be directed to the Board to hear and decide.

   E. Enforce the applicable provisions of the Elevator Safety Act, and levy fines in accordance with the Municipal Code [65 ILCS 5] or Counties Code [55 ILCS 5].

   F. Maintain for inspection by the OSFM the following documentation and information, all of which shall be maintained for a 2-year period:

      i. All permit applications;

      ii. All permits issued by the Local Administrator;

      iii. All exceptions or variances granted or denied;

      iv. All inspection reports for conveyances subject to the Program, and

      v. Proper records demonstrating the number of Certificates of Operation issued by the Local Administrator.

   G. Ensure that all inspections are performed by personnel properly licensed by the State.

   H. Notify the OSFM of any instances of non-compliance with the Elevator Safety Act and/or Administrative Rules of which it becomes aware.

   I. Amend its Program within ninety (90) days of receipt of notice from the OSFM informing them of changes to any form, document, the Standards and/or rules that affect the Program.

   J. Notify the OSFM at least ninety (90) days in advance of the date the Local Administrator elects to discontinue its Program.

   K. Require all conveyances in its jurisdiction to register and pay the associated fee to the OSFM, and put out-of-service and report to the OSFM the names of the owners of those conveyances that fail to register within thirty (30) days of determination that the conveyance is not registered.

L. To make itself available, upon reasonable notice, to meet with the OSFM or its representatives, to ensure compliance with the Elevator Safety Act and Administrative Rules.

7. In accordance with the Elevator Safety and Regulation Act and the Administrative Rules, with the exception of the registration fees, the fees and procedures for applications, permits, inspection and enforcement under the Local Administrator's Program shall remain the jurisdiction of the Local Administrator, and such procedures shall take precedence over the procedures adopted by the OSFM and Board.

8. Should the OSFM determine that the Program does not meet the requirements of the Elevator Safety and Regulation Act or the Administrative Rules, the OSFM shall notify the Local Administrator of the corrective actions needed to bring the Local Program into compliance. Should the Local Administrator fail to make the corrections, the OSFM may, after allowing time for corrective action, and after a hearing under Section 160 of the Administrative Rules, withdraw approval of the Program.

9. A copy of the Administrative Rules (41 Ill. Admin. Code 1000) is available at: https://www.ilga.gov/commission/jcar/admincode/041/04101000sections.html.

10. The Illinois Local Elevator Safety Program Agreement Signature Page follows on the next page of this document.

ILLINOIS LOCAL ELEVATOR SAFETY PROGRAM AGREEMENT SIGNATURE PAGE

LOCAL ADMINISTRATOR

Village of Barrington
Name of Local Administrator (Municipality or County):

Karen Y Darch
Signature of Local Administrator's Officer:

01/13/2025
Date Signed:

Karen Y. Darch
Printed Name of Officer:

Village President
Title of Officer:

2A Name _____
Title _____
Ph _____

B. Thompson Elevator Inspection Service
830 E Rand Rd, Unit 10
Mt Prospect, IL 60056

C. See separate sheet

D Non-Registered Conveyances: See 2C Other- these units may be dock lifts, material lifts, casket lifts, conveyors, scissor lifts, pool equipment, auto lifts, but not limited to.

Officer's Contact Information:

Kdarch@barrington-il.gov
Email Address:

847-384-3445
Phone Number:

_____
Street Address:

_____
City, State, Zip:

OFFICE OF THE STATE FIRE MARSHAL

Agreement Accepted for OSFM by:

_____
James A Rivera, State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703
(217) 785-0969

____ / ____ / _____
Date Signed/Accepted: