

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 07-03**

**AN ORDINANCE AMENDING TITLE 9,  
(BUILDING REGULATIONS OF THE BATAVIA MUNICIPAL CODE)**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 5<sup>TH</sup> DAY OF MARCH, 2007**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 6<sup>th</sup> day of March, 2007

Prepared by:

City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

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ORDINANCE 07-03**

**AN ORDINANCE AMENDING TITLE 9,  
(BUILDING REGULATIONS OF THE BATAVIA MUNICIPAL CODE)**

**WHEREAS**, the City Council of the City of Batavia has found that certain revisions to Title 9 of the Municipal Code relating to Building Regulations are appropriate in that said revisions are necessary for the health, safety and welfare of the citizens of the City,

**NOW THEREFORE**, be it ordained by the City Council of the City of Batavia, Kane County, Illinois as follows:

**SECTION 1:** Title 9 of the Batavia Municipal Code is hereby revised as follows:

**9-1-1: BUILDING CODE ARTICLE ADOPTED:** The provisions of Chapter 1 of the International Building Code/2006, compiled by the International Code Council, not less than three (3) copies of which have been and now are filed in the office of the Clerk of the City, are hereby adopted together with the special regulations listed below modifying said International Building Code/2006 as the regulation governing the administration of Title 9 (Building) of the Municipal Code.

**9-1-2:** Amendments to Chapter 1 of the International Building Code/2006

The following Sections are amendments to the International Building Code/2006, and correspond to the numbering system within said Code:

(A) **Section 101.1 Title:** Revise to read as follows:

**101.1 Title.** These regulations shall be known as the *Building Code* of the City of Batavia, hereinafter referred to as “this Code”.

(B) **Section 101.2 Scope:** Revise the exception to read as follows:

**Exception:** Detached one- and two-family dwellings not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *Residential Building Code of the City and not this Code*.

(C) **Section 101.4.1 Electrical:** Revise to read as follows:

**101.4.1 Electrical.** Installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and

appurtenances thereto shall comply with the provisions of the National Electric Code/ 2005 and not this Code.

- (D) **Section 101.4.4 Plumbing:** Revise to read as follows:

**101.4.4 Plumbing.** Installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system shall comply with the provisions of the Illinois Plumbing Code/ 2004 and not this Code.

- (E) **Section 103.1 Creation of enforcement agency:** Revise to read as follows:

**103.1 Creation of enforcement agency.** There is a Building and Inspection Division for the City, created under Section 1-8C of the Municipal Code. The Building and Inspection Commissioner, Building Inspector, and the Zoning Officer designated under Title 10 of the Municipal Code shall collectively be known as the “Code Official” as herein used.

- (F) **Section 103.2 Appointment:** Delete this Section.

- (G) **Section 105.1.1 Annual permit:** Delete this section.

- (H) **Section 105.1.2 Annual permit records:** Delete this section.

- (I) **Section 105.2 Work exempt from permit:** Delete numbers 1, 2, 3, 5, 10 under “Building”. Revise number 4 to 3 feet.

- (J) **Section 105.3.1.1 Pending violations:** Add a new section to read as follows:

**105.3.1.1 Pending violations.** If during the time of review of said building application, informal or formal proceedings relating to the violation of any section of the Batavia Municipal Code, either related to the property which the then pending building permit application involves, or to other property within the City, controlled by the applicant for the pending permit, or relating to work on said other property being performed by the applicant under the pending permit application, a permit shall not be issued until final action has been taken on such informal or formal proceedings, unless authority for the issuance of the pending permit is granted by the City Council.

- (L) **Section 106.1 Submittal documents:** Revise to read as follows:

**106.1 Submittal documents.** Construction documents, statement of special inspections and other data shall be submitted in four (4) sets with each permit application. The construction documents shall be prepared and sealed by a registered design professional. Where special conditions exist,

the building official is authorized to require additional construction documents to be prepared by a registered design professional.

- (M) **Section 109.3.1.1 Foundation Location Survey:** Add a new section to read as follows:

**109.3.1.1 Foundation Location Survey.** Upon completion of the foundation, a location survey verifying side, front, and rear lot dimensions, and top of foundation elevation, signed and sealed by a registered Illinois Land Surveyor shall be required before further construction may proceed. Construction beyond the foundation stage shall not proceed until said location survey has been submitted and approved by the Building Officer.

- (N) **Section 109.3.8.1 Inspection of component parts of prefabricated structures:** Add a new section to read as follows:

**109.3.8.1 Inspection of component parts of prefabricated structures.** In order to permit the use of component parts in a structure erected on a site within the City, which component parts are manufactured or fabricated at an off site location in such a manner as to comply fully with requirements of this Title, but which arrive at the site of erection having the finish covering already installed and, thus, rendering inspection thereof impossible or difficult, then, in such cases the inspection required by this Title at the time after the building is framed, roofed and rough wiring and plumbing installed, but before any finish covering is installed, will be waived if the following conditions are first satisfied:

1. That evidence satisfactory to the Building Officer shall be submitted to the Building Officer that the component part or parts are manufactured or fabricated by a manufacturer in a uniform manner and production control procedures are maintained and the records thereof are kept; copies of said records are made available to the Building officer.
2. That plans and specifications for the component parts, prepared in such detail as to evidence compliance with the requirements of this Title, are submitted to the Building Officer for approval, if found to be in compliance with the requirements of this Title.
3. That said plans and specifications shall contain on each page thereof the certificate of a registered architect attesting that said plans and specifications provide for full compliance with the construction requirements of this Title.
4. That there be furnished to the Building Officer, prior to the use of the prefabricated component part at the site of erection, a certificate of the manufacturer attesting to the fact that said part was constructed or fabricated in strict accordance to the applicable

plans and specifications, which plans and specification shall be specifically identified.

5. That a further requirement to permit the use of component parts in a structure erected on a site in the City will be that ICC (International Code Council) submit its certification (at the cost of the permittee) that the structure in question has been constructed according to its general specifications, or in the alternative, the City shall have the right to require that the Building Officer or his representative, travel to and from the place of manufacture of said building on the day of construction so that Officer can fully inspect the building to be erected in the City; the builder or manufacturer being required to reimburse the City for one day's pay for the said Building Officer and to provide for the cost of the said Building Officer's transportation and/ or other expenses for the said Building Officer incident to said inspection.

- (O) **Section 109.3.10.1 Final grading completion:** Add a new section to read as follows:

**109.3.10.1 Final Grading Completion.** Upon completion of final grading and prior to issuance of the final occupancy permit, a survey with spot elevations and contours showing positive site drainage and conformance with the grading plans, signed and sealed by a Registered Illinois Land Surveyor or professional engineer shall be submitted for approval by the Building Officer or City Engineer. Said survey shall also show the nearest storm inlet structure with grate elevation and invert.

- (P) **Section 110.3.1 Temporary occupancy, winter:** Add a new section to read as follows:

**110.3.1 Temporary Occupancy, Winter.** A temporary occupancy permit may be issued between November 15 and May 15, if the City determines that inclement weather or ground conditions prohibit final lot grading, the final adjustment of water curb stops and "buffalo boxes", the installation of public sidewalks and driveway approaches, and/or the installation of the sump discharge to the storm sewer. In such case the following deposits shall be posted in cash or certified check: two thousand five hundred dollars (\$2,500.00) for grading of a residential lot, five thousand dollars (\$5,000.00) for grading of a commercial or industrial lot, three hundred dollars (\$300.00) for "buffalo box" adjustment, three hundred dollars (\$300.00) for sump discharge connection, six dollars per square foot for sidewalk installation, and forty-five dollars per square yard for driveway approach installation. Said temporary occupancy permit shall be of a specific duration and allow a reasonable period of time for the completion of delayed work, including inspection of same. Said deposit shall be used by the City to arrange for completion of said work if it is not completed within the time limit delineated with the temporary occupancy permit.

- (Q) **Section 110.3.1.1 Life and Fire Safety:** Add a new section to Read as follows:

**110.3.1.1. Life and Fire Safety.** No temporary occupancy shall be granted if fire alarm, fire suppression, or life safety work have not been completed.

- (R) **Section 112.0 Appeal of Code Official Decision:** Revise to read as follows:

1. Appeal of Code Official Decision. Any person aggrieved by the decisions of the Code Official may appeal said decision. Application for appeal may be made when the party asserts that the intent of the Code has been met by the party's submitted plans or construction or that the Code has been incorrectly interpreted or that substitute construction and protective assemblies and systems will provide as good as or better structure or building when completed. Any appeal shall be in writing as set forth below.
2. The Committee of the City Council as designated by the City Administrator from time to time shall receive and review any written application for appeal of any such decision of the Code Official. Such appeal must be filed with the Code Official within ten (10) days of the Code Official's written decision.
3. Within forty-five (45) days of the date of filing the written appeal, the designated committee shall meet in public session and take evidence from the party filing the appeal and the Code Official with respect to the subject of the appeal.
4. At the conclusion of the taking of the evidence, the Committee shall make written findings of fact together with its recommendation and forward same to the full Batavia City Council.
5. The final decision as to whether the appeal shall be granted shall be made by the City Council. In making this decision, the City Council shall review only the record of the evidence taken by the designated committee, which shall include the Committee's findings of fact and recommendation. No further evidence may be presented to the City Council. The granting of an appeal not constituting a variation to the Batavia Municipal Code shall be accomplished by a majority vote upon an appropriate motion. Any variation to the Batavia Municipal Code shall be by duly adopted ordinance.

**SECTION 2:** Section 9-4 of the Municipal Code of the City of Batavia shall be amended by making the following modifications:

- A. Section 9-4-3 shall be amended to read as follows:

**9-4-3: INTERNATIONAL BUILDING CODE ADOPTED: MODIFICATIONS THERETO:** The provisions of the of the INTERNATIONAL BUILDING CODE/2006, compiled by the International Code Council not less than three (3) copies of which have been and are now filed in the office of the City Clerk, are hereby adopted together with the special modifications thereto listed below, as the regulations governing the construction of buildings except for one and two family residences which are governed by the Residential Building Code of the City.

- B. Section 9-4-5 is hereby amended to read as follows:

**9-4-5: Modifications to the INTERNATIONAL BUILDING CODE/2006:**

- (A) **Section 403.2 Automatic Sprinkler System:** Delete the exception.
- (B) **Section 404.3 Automatic Sprinkler Protection:** Delete the exceptions.
- (C) **Section 406.1.4 Separation:** Revise to read as follows:

**406.1.4 Separation.** Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and any attic area by means of a minimum 5/8" gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8" type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8" thick, or doors in compliance with Section 715.4.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

- (D) **Section 414.1 General:** Revise to read as follows:

**414.1 General.** Buildings or areas of buildings used for hazardous materials are not permitted except by special permit based on an analysis of the specific hazards involved by the Building, Fire, and Zoning Officials.

- (E) **Section 415.1 Scope:** Revise to read as follows:

**415.1 Scope.** Buildings or areas of buildings used for Use Group H, are not permitted except by special permit based on an analysis of the specific hazards involved by the Building, Fire, and Zoning Officials.

- (F) **Section 505.3 Egress:** Revise to read as follows:

**505.3 Egress.** Each occupant of a mezzanine with an occupant load of more than twenty-nine (29) or in which the travel distance to an exit exceeds seventy-five feet (75') shall have access to two (2) independent means of egress. Where a stairway provides a means of exit access from a mezzanine, the maximum travel distance includes the distance traveled on the stairway measured in the plane of the tread nosing.

- (G) **Section 507.3 Sprinklered, one story:** Delete exception No. 2.

- (H) **Section 508.3 Mixed Occupancies:** Add exceptions No. 3 & 4 as follows:

3. Use group S-2, parking shall have a horizontal and vertical fire separation of masonry construction with an hourly rating complying with Table 508.3.3.

4. All mixed use occupancies shall have a horizontal fire separation of concrete construction with an hourly rating complying with Table 508.3.3 to separate any occupancy of use group R from any other use group.

- (I) **Table 602 Exterior Wall Fire Resistance Ratings:** Revise to read as follows:

**TABLE 602  
EXTERIOR WALL FIRE RESISTANCE RATINGS**

Separation (Feet)	Fire Resistance Rating (Hours)
Less than 6'	3
6' to 11'	2
11' to 30'	1
over 30'	0

- (J) **Section 704.4 Materials:** Revise to read as follows:

**704.4 Materials.** Exterior walls shall be of materials permitted by the building type of construction. Exterior walls of all multiple family dwellings, and any structure within the R1 and R2 use groups shall be a minimum of eighty (80) percent masonry construction. The fire rating of all exterior walls shall be in accordance with the 2006 International Building Code.

The eighty (80) percent masonry in the preceding paragraph shall be interpreted to permit the use of wood or other combustible material on not more than twenty (20) percent of the exterior wall area, excluding the area of windows and doors, provided however, that all fire rating and construction requirements of the 2006 International Building Code are met.

- (K) **Section 705.4 Fire-resistance rating:** Revise to read as follows:

**705.4 Fire-resistance rating.** Fire walls shall have a fire-resistance rating of not less than four (4) hours.

- (L) **Table 705.4 Fire Wall Resistance Ratings:** Delete this table.

- (M) **Section 708.1(3) General:** Revise to read as follows:

708.1(3) Walls separating tenant spaces in all buildings.

- (N) **Section 708.3 Fire-resistance rating:** Delete Exception 2.

- (O) **Section 708.3.1 Dwelling units:** Add a new section to read as follows:

**708.3.1 Dwelling units.** Fire partitions between dwelling units shall have a fire-resistance rating of not less than two (2) hours.

- (P) **Section 711.3 Fire-resistance rating:** Revise to read as follows:

**711.3 Fire-resistance rating.** The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required by Section 508.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section 706.3.9. Floor assemblies separating dwelling units in the same building or sleeping units, in common corridor buildings (without independent means of egress from each unit to an open or public way), in occupancies in Group R-1, hotel occupancies, R-2 and I-1 shall be a minimum of two (2) hour fire-resistance rated concrete construction. Floor assemblies separating S-2, parking garages from other uses shall be of concrete construction.

- (Q) **Section 711.3 Fire-resistance rating:** Delete the exception.

- (R) **Section 903.2 Where required:** Revise to read as follows:

**903.2 Where required.** Automatic Sprinkler Systems shall be installed and maintained in full operating condition in all buildings having a gross area (total all floors including mezzanines) exceeding 7500 square feet or

three stories or 30 feet in height as well as locations indicated in Sections 903.2.1 through 903.2.13. Any building of new construction Types 2B, 3B, 5A, or 5B shall be provided with a fire suppression system if over 2,000 square feet (gross area) or over one story in height.

Exception: Existing structures. Regardless of the requirements of Chapter 34, automatic fire suppression systems shall only be required within existing structures have any of the following characteristics.

1. A gross area (including all floors and mezzanines) in excess of 8400 sq. ft., and in excess of 3 stories.
2. An A3 assembly use, which accommodates in excess of 100 people.
3. Any mixed use in excess of 2 residential living units.

(S) **Sections 903.3.1.2 NFPA 13R sprinkler systems, 903.3.1.2.1 Balconies and decks, 903.3.1.3 NFPA 13D sprinkler systems:** Delete these sections.

(T) **Section 905.3 Required installations:** Revise to read as follows:

**905.3 Required installations.** Standpipe systems shall be installed in all buildings where any portion of the building floor area is more than 150 feet of travel from the nearest point of fire department vehicle access and where required by Sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5, and 905.6. Standpipe systems are permitted to be combined with automatic sprinkler systems.

(U) **Section 907.2 Where required:** Revise to read as follows:

**907.2 Where required.** An approved manual, automatic, or manual and automatic fire alarm system shall be provided in all buildings over one story in height or over 1000 square feet in area and as required in sections 907.2.1 through 907.2.23. Where automatic sprinkler protection, installed in accordance with section 903.3.1.1 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required. An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances, and equipment shall comply with section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

(V) **Sections 907.2.1 Group A, 907.2.2 Group B, 907.2.3 Group E, 907.2.4 Group F, 907.2.7 Group M, 907.2.8.1 Group R-1, 907.2.9 Group R-2:** Delete these exceptions.

(W) **Section 910.2 Where required:** Revise to read as follows:

**910.2: Where Required.** Approved smoke and heat vents shall be installed where required in Sections 910.2.1 through 910.2.4, and also as follows:

- a. In all buildings of occupancy types A, I, H, S, F with a gross (combined floor area of all floors) floor area exceeding 7,500 square feet.
- b. In all other buildings with a gross (combined floor area of all floors) floor area exceeding 40,000 square feet and including unlimited area.
- c. In all buildings over three (3) stories or 35 feet in height.
- d. In buildings with multi-story atriums.
- e. In covered mall buildings including individual tenant spaces.

(X) **Section 910.4.3 Operation:** Revise to read as follows:

**910.4.3.1.1 Operation.** Individual manual controls of each fan unit shall be provided adjacent to the fire alarm control panel. Controls shall be marked to identify fan location.

(Y) **Section 1007 Accessible Means of Egress:** Delete this section.

(Z) **Section 1008.1.8.3 Locks and latches:** Delete condition #2.

(AA) **Section 1015.1 Exit or exit access doorways required:** Revise to read as follows:

**1015.1 Exit or exit access doors required.** Two exits or exit access doorways from any space shall be provided where one of the following exists:

1. The occupant load of the space exceeds the values in Table 1015.1 or 29 persons, whichever is less.
2. The common path of egress travel exceeds the limitations of Section 1014.3.
3. Where required by Sections 1015.3, 1015.4, 1015.5.

4. The area of the space exceeds 2000 square feet.

**Exception:** Group I-2 occupancies shall comply with Section 1014.2.2.

(BB) **Section 1019.1 Minimum number of exits:** Revise to read as follows:

**1019.1 Minimum Number of exits.** All rooms and spaces within each story shall be provided with and have access to the minimum number of approved independent exits as required by Table 1019.1 based on the occupant load, except as modified in Section 1015.1. For purposes of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any story, basement or individual space shall be maintained until arrival at grade or the public way.

(CC) **Section 1019.2 Buildings with one exit:** Delete this Section and corresponding table.

(DD) **Chapter 11 Accessibility:** Delete this chapter in its entirety.

(EE) **Section 1207.2 Air-borne sound:** Revise to read as follows:

**1207.2 Air-borne sound.** Walls, partitions and floor/ceiling assemblies separating dwelling units from each other or from public or service areas shall have a sound transmission class (STC) of not less than 60 for air-borne noise when tested in accordance with ASTM E 90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement shall not apply to dwelling unit entrance doors; however, such doors shall be tight fitting to the frame and sill.

(FF) **Section 1207.3 Structure-borne sound:** Revise to read as follows:

**1207.3 Structure-borne sound.** Floor/ceiling assemblies between dwelling units or between a dwelling unit and a public or service area within the structure shall have an impact insulation class (IIC) rating of not less than 60 when tested in accordance with ASTM E 492.

(GG) **Section 1301.1.1 Criteria:** Revise to read as follows:

**1301.1.1 Criteria.** Buildings shall be designed and constructed in accordance with the 2006 International Energy Conservation Code.

- (HH) **Sections 1805.4.5 Timber footings, 1805.4.6 Wood foundations:** Delete these sections.
- (II) **Section 2111.13 Exterior air:** Revise to read as follows:
- 2111.13 Exterior air.** Factory-built or masonry fireplaces covered in this section shall be equipped with an exterior air supply to ensure proper fuel combustion.
- (JJ) **Section 2303.1.2 Prefabricated wood I-joists:** Revise to read as follows:
- 2303.1.2 Prefabricated wood I-joists.** The use of prefabricated wood I-joists is prohibited.
- (KK) **Section 2304.11.4.1 Posts or columns:** Revise to read as follows:
- 2304.11.4.1 Posts or columns.** Posts and columns supporting permanent structures that are embedded in concrete that is in direct contact with the earth, embedded in concrete that is exposed to the weather or in direct contact with the earth shall be prohibited.
- (LL) **Chapter 27 Electrical:** Delete this chapter in its entirety.
- (MM) **Chapter 29 Plumbing Systems:** Delete this chapter in its entirety.
- (NN) **Section 3002.4 Elevator car to accommodate ambulance stretcher:** Revise to read as follows:
- 3002.4 Elevator car to accommodate ambulance stretcher.** Where elevators are provided in buildings, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate a 24 inch by 84 inch ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway door frame.
- (OO) **Chapter 32 Encroachments into the public right of way:**
- Delete this chapter.
- (PP) **Section 3305.1 Facilities required:** Revise to read as follows:
- 3305.1 Facilities required.** Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with the Illinois State Plumbing Code.

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**(QQ) Section 3409 Accessibility for existing buildings:** Delete this section.

**(RR) Section 3410.2 Applicability:** Revise to read as follows:

**3410.2 Applicability.** All existing structures, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of sections 3403 through 3407. The provisions in sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**SECTION 3:** The revisions hereinabove set forth shall become effective on April 1, 2007.

**SECTION 4:** Subject to the provisions of Section 3 above, this Ordinance 07-03 shall be in full force and effect upon its presentation, passage and publication according to law.

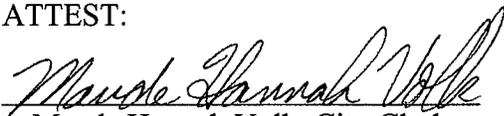
**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 5<sup>th</sup> day of March, 2007

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 5<sup>th</sup> day of March, 2007.

  
 Jeffrey D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	Wollnik	X				Sparks	X			
2	Dietz	X				Wolff	X			
3	Miller			X		Barnard	X			
4	Volk	X				Schmitz	X			
5	Frydendall	X				Nelson			X	
6	Liva	X				Clark	X			
7	Vance	X				Brown	X			
Mayor Schielke										
VOTE:		12 Ayes	0 Nays	2 Absent	0 Abstention(s) counted as _____					
Total holding office: Mayor and 14 aldermen										

ATTEST:

  
 Maude Hannah Volk, City Clerk