



ORDINANCE NO. 2028-20

AN ORDINANCE RATIFYING AND CONFIRMING THE EXECUTION OF A PREVIOUSLY EXECUTED AGREEMENT, AND ONE-YEAR EXTENSION OF SUCH AGREEMENT—OFFICE OF THE STATE FIRE MARSHAL

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Illinois, that this ordinance is ratification in furtherance of a previously executed Agreement with the Office of the State Fire Marshal, and authorizes the Mayor and Village Clerk to execute a one-year extension on such agreement. Such ratification of an agreement and extension of a one-year agreement is by and between the Village of Hawthorn Woods and the Office of the State Fire Marshal, a copy of which is attached hereto as Exhibit "A", and, by this reference made a part hereof.

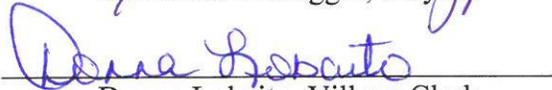
The foregoing Ordinance was adopted by the Village Board of the Village of Hawthorn Woods, Illinois, on July 27, 2020:

AYES: Kaiser, Kasik, Pless, Corrigan, David, McCarthy

NAYS: Ø

ABSENT AND NOT VOTING: Ø

APPROVED: 
Dominick DiMaggio, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED:

July 27, 2020

APPROVED:

July 27, 2020

PUBLISHED:

July 28, 2020

Bruce Rauner, Governor

Matt Perez, State Fire Marshal



Office of the State Fire Marshal

ILLINOIS ELEVATOR SAFETY PROGRAM AGREEMENT

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

This Agreement constitutes a contract between the OSFM and Local Authority which permits the Local Authority to operate an 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 Authority 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 Authority shall reapply for approval of its PROGRAM by submitting to the OSFM the information detailed in Section 2, below.
2. The Local Authority shall submit to the OSFM, along with this Agreement executed by an officer of the Local Authority, 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 its Program administrator. It is the responsibility of the Local Authority to notify the OSFM of any changes to this information.
 - B. The name and contact information of any third party inspection company/is under contract with the Local Authority or the name and license number of the inspector(s) employed by the Local Authority 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 Authority.
3. The Local Authority, 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 100.60. The Local Authority 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 Authority desire to amend any of the Standards, the Local Authority 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 Authority no later than 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. The Local Authority by signing this Agreement agrees to operate its Program in compliance and conformance with the Elevator Safety and Regulation Act and Administrative Rules. Under the Program, the Local Authority 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 12 months if the request is received by the Local Authority prior to expiration of the existing permit. Extension requests received by the Local Authority 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 Authority.
 - 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 7 business days of receipt of the notice. Should the OSFM and Local Authority not reach agreement on the exception or variance, the matter shall be directed to the Elevator Safety Review Board ("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:
 - 1) All permit applications;
 - 2) All permits issued by the Local Authority;
 - 3) All exceptions or variances granted or denied;
 - 4) All inspection reports for conveyances subject to the Program; and
 - 5) Proper records demonstrating the number of certificates of operation issued by the Local Authority

- 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 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. To notify the OSFM at least 90 days in advance of the date the Local Authority elects to discontinue its Program.
 - K. To require all conveyances in its jurisdiction to register and pay the associated fee to the OSFM and to put out-of-service and report to the OSFM the names of the owners of those conveyances that fail to register within 30 days of determination that the conveyance is not registered.
 - L. To make itself available, upon reasonable notice, to meet with the Administrator 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 Authority's Program shall remain the jurisdiction of the Local Authority 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 Authority of the corrective actions needed to bring the Program into compliance. Should the Local Authority 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 "<http://www.ilga.gov/commission/jcar/admincode/titles.html>" once published.

Village of Hawthorn Woods

Local Authority Name

Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703
(217) 785-0969

Michael Cassata

Signature of Officer

Michael Cassata

Printed Name

Accepted by:

Community Dev Director

Title

Matt Perez
Matt Perez, State Fire Marshal

2 Lagoon Dr.

Address

Date 9-9-16

Hawthorn Woods, IL 60047

City/State/Zip

847.847.3592

Telephone Number

9/7/16

Date

Revised 04/12/16



OFFICE OF THE ILLINOIS STATE FIRE MARSHAL

JB Pritzker, Governor
Matt Perez, State Fire Marshal

Dear Elevator Safety Program Manager:

The Office of the State Fire Marshal ("OSFM") is contacting you regarding the upcoming expiration of your local Elevator Safety Program Agreement ("Agreement") and offering what may be a more convenient option for continuing in the Agreement, if you so choose.

OSFM recognizes that the State of Illinois' Disaster Proclamation of March 9, 2020 regarding the Coronavirus (COVID-19) outbreak, the associated shelter in place order and the restrictions on gatherings and activities have also affected the ability of many local governmental units throughout the State to meet and carry out the regular business of governing. It is understood that local board, council and governing unit gatherings to discuss and approve new contracts and agreements and renew current contracts and agreements may be one of the activities that may be restricted or impacted.

In light of those constraints, OSFM's Elevator Division is temporarily offering an option for a one-year Agreement extension to its Illinois Elevator Safety Program Agreement to partners whose current Agreement is soon to expire. The extension is accomplished by providing the appropriate signature on an Amendment to the Agreement. The Amendment is enclosed. The Amendment does not alter any of the duties or responsibilities under the Agreement, it simply extends the Agreement by one year from its current date of expiration. OSFM offers this Amendment merely as a possible convenience to local program authorities but cannot and does not determine or direct the mechanism or process by which a governmental unit can validly execute this Amendment to the Agreement.

To clarify, the options for confirming your continuation in the Agreement have now temporarily expanded. As Program manager, you may now: (1) Reapply to be approved by OSFM for another four-year Agreement period, as per the Agreement's requirements [[web link here](#)]; or (2) Sign and return the attached "One-Year Extension Amendment To Illinois Elevator Safety Program Agreement" with the appropriate signature, postmarked or received prior to the expiration date of the original Agreement.

If you have any questions at all, please do not hesitate to contact us.

Robert Capuani

Robert Capuani
Office of State Fire Marshal
Elevator Safety



OFFICE OF THE ILLINOIS STATE FIRE MARSHAL

JB Pritzker, Governor
Matt Perez, State Fire Marshal

ONE-YEAR EXTENSION AMENDMENT TO ILLINOIS ELEVATOR SAFETY PROGRAM AGREEMENT

WHEREAS, the Office of the State Fire Marshal ("OSFM") and the municipality or county ("Local Authority") entered into an Illinois Elevator Safety Program Agreement ("Agreement") to permit the Local Authority to operate an Elevator Safety Program ("Program");

WHEREAS, the Agreement specifically permits the Local Authority to operate a 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;

WHEREAS, the Agreement is valid for a period of four (4) calendar years from the date it was accepted by OSFM;

WHEREAS, Coronavirus Disease 2019 ("COVID-19") is a novel severe acute respiratory illness that has spread among people through respiratory transmissions, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020;

WHEREAS, Illinois Governor JB Pritzker filed a Gubernatorial Declaration of Disaster on March 9, 2020 with the Illinois Secretary of State, and has issued subsequent associated proclamations, requirements and guidelines, including a statewide "shelter in place" order;

WHEREAS, OSFM and the Local Authority recognize that such directives and guidelines have limited and continue to limit the associations and activities of people comprising local governmental units who would ordinarily gather to approve and renew such Agreements;

WHEREAS, OSFM and the Local Authority have now determined that the Agreement must be extended to effectuate the intent of the Agreement through this Extension Amendment;

WHEREAS, this Extension Amendment is intended to assist the Local Authority in continuing to operate under the Agreement without undue interruption of the Agreement; and

NOW THEREFORE, the parties mutually agree as follows:

1. This Amendment is made to the underlying Illinois Elevator Safety Program Agreement currently in place, as of the date of execution of this Amendment, between the OSFM and the Local Authority.
2. The Agreement's validity is extended for the period of one (1) calendar year from the expiration date thereof.



OFFICE OF THE ILLINOIS STATE FIRE MARSHAL

**JB Pritzker, Governor
Matt Perez, State Fire Marshal**

3. The underlying Agreement, as amended, shall remain in full and complete effect except as specifically amended by this Amendment. Insofar as any provisions in the Agreement, as amended, are inconsistent with this Amendment, this Amendment shall control.
 4. Prior to the expiration of the one-year extension Amendment period, the Local Authority may still reapply for approval of its program for a period of four (4) calendar years by following the required steps set out in the underlying Agreement.
 5. This Amendment may be executed in one or more counterparts, each of which shall be considered to be one and the same, binding on all parties hereto, notwithstanding that not all the parties are signatories to the same counterpart.
 6. This represents the full and complete understanding of OSFM and the Local Authority regarding this Amendment.
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OFFICE OF THE ILLINOIS STATE FIRE MARSHAL

JB Pritzker, Governor
Matt Perez, State Fire Marshal

FOR LOCAL AUTHORITY:

FOR OSFM:

Village of Hawthorn Woods
Local Authority Name

Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703
(217) 785-0969

[Signature]
Signature of Officer

Accepted by:

Dominick DiMaggio
Printed Name

[Signature]

Mayor
Title

Matt Perez, State Fire Marshal

2 Lagoon Dr.
Address

Date: 7/28/2020

Hawthorn Woods, IL 60047
City/State/Zip

(847) 438-5500
Telephone Number

7-27-20
Date

Amendment of 05/12/2020