**Section 1000.40 Local Regulation**

a) Authorization of Local Programs

Provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, a municipality or county may enter into an agreement with OSFM under which the municipality or county will operate a local program. The agreement will include the terms described in this Section.

1) Under the local program, the municipality or county shall:

A) *Issue construction* and alteration *permits and certificates of operation;*

B) *Provide for inspection of elevators,* including temporary operation inspections which assess a conveyance’s readiness for use in performing tasks for construction or demolition purposes only, such as providing transportation for construction personnel, tools and material, in accordance with ASME A17.1, Section 5.10*;*

C) *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;*

D) *Enforce the applicable provisions of the Act, and levy fines in*

*accordance with the Municipal Code* [65 ILCS 5] *or Counties Code* [55 ILCS 5]. [225 ILCS 312/140(a)];

E) *Maintain for inspection by* OSFM *copies of all applications for permits* and permits *issued, grants or denials of exceptions or* *variances, copies of each inspection report issued, and proper records showing the number of certificates of operation issued* by that jurisdiction*.* [225 ILCS 312/140(a)] These materials shall be maintained for a 2-year period from the date of permit issuance for permit records and from the date of inspection for inspection records;

F) Ensure *that each required inspection will be conducted by a* licensed *elevator inspector* [225 ILCS 312/140(a)];

G) Notify OSFM immediately by mail *of any exception or variance granted.* OSFM *may object to* the *exception or variance within 7 business days after receipt of the notice. Should* OSFM *and the Local Administrator not reach agreement on the exception or variance, the matter shall be directed to the Board to hear and decide*. [225 ILCS 312/140(d)];

H) Notify OSFM at least 90 days prior to termination of the local program (see subsection (e)(1)) in the event the Local Administrator elects to discontinue regulating conveyances; and

I) Comply with any other provisions deemed necessary by the Administrator. (See 225 ILCS 312/140(a).)

2) *The Local Administrator may assess a reasonable fee for permits, exceptions, variances,* certificates *of operation, or inspections performed by its inspectors.* [225 ILCS 312/140(a)]

3) *The Local Administrator may choose to require that inspections be performed by its own* Illinois *licensed inspectors or by private* Illinoislicensed *elevator inspectors.* [225 ILCS 312/140(a)]

4) Any safety standards or regulations adopted by a municipality or county pursuant to 225 ILCS 312/140(a) must be at least as stringent as those provided for in the Act and Section 1000.60 of this Part.

b) Approval of the Local Program

1) Application

Any municipality or county that chooses to inspect or otherwise regulate conveyances must apply to OSFM for approval of the local program. The application shall include the name of the local program administrator, the standards and regulations adopted, the number and types of conveyances covered by the program, the name and license number of inspectors, and other reasonable information OSFM may request. The form shall be provided by OSFM.

2) Approval and Program Agreement

If OSFM determines that the local program will be at least as stringent as the requirements of the Act and this Part, OSFM will so notify the local program. Each municipality or county approved by OSFM to implement a local program shall enter into a written agreement with OSFM under which the local program will apply within the described territory.

3) Existing Local Programs

No municipality or county may operate a local program unless it has entered into an agreement with OSFM.

4) Review by OSFM

OSFM may review and audit the program of any Local Administrator and inspect the permits issued, grants and denials of exceptions or variances, inspection reports, and records related to the conveyances under the local program. OSFM will provide the Local Administrator reasonable advance notice of the review, audit and/or inspection.

c) Local Enforcement

Within the jurisdiction of an approved local program, except as otherwise provided in this subsection (c), the procedural requirements of the local program shall be followed, rather than the procedural requirements of this Part, including the specified fees. However, all conveyances located within the jurisdiction of a local program shall be registered with OSFM in accordance with Section 80 of the Act and Section 1000.120 of this Part.

d) Reporting and Recordkeeping

1) Reporting

OSFM may request certain reports and information to be provided on a periodic basis to assure that local programs are operating in conformance with the Act.

2) Recordkeeping

A municipality or county that operates a local program shall maintain for inspection for a 2-year period the records required in subsection (a)(1)(E).

e) Discontinuance of a Local Program

1) Discontinuance by the Local Jurisdiction

Should a local program determine to discontinue inspecting or otherwise regulating conveyances, the local program administrator shall notify OSFM 90 days prior to termination of the program. The municipality or county shall make available to OSFM program records and documents necessary for OSFM to maintain regulatory continuity.

2) Discontinuance by OSFM

OSFM may monitor the local programs and, if a program is found to not meet the requirements of the Act and this Part, notify the Local Administrator of corrective actions needed to be taken to bring its program into compliance. OSFM may, after allowing time for corrective action and after a hearing under 41 Ill. Adm. Code 210 and Section 1000.160 of this Part, withdraw approval of a non-compliant local program.

(Source: Amended at 48 Ill. Reg. 825, effective December 28, 2023)