

TITLE XV: LAND USAGE

Chapter

150. BUILDING CODE; REGULATIONS

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CHAPTER 150: BUILDING CODE; REGULATIONS

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GENERAL PROVISIONS

§ 150.001 CODE ADMINISTRATOR; ADMINISTRATION AND ENFORCEMENT; APPOINTMENT AND TERM OF OFFICE; COMPENSATION; DUTIES AND RESPONSIBILITIES.

(A) *General.*

(1) The Code Administrator, established under § 32.07 of this code of ordinances, is hereby authorized and empowered to administer and enforce provisions of this chapter, and shall assure that all structures and buildings hereafter built in the village comply with all applicable building codes.

(2) The President of the Village Board of Trustees may, with approval of the Board of Trustees, appoint a deputy or deputies to assist the Code Administrator in fulfillment of his or her duties.

(3) When so appointed, a deputy to the Code Administrator shall have the same authority and power granted herein to the Code Administrator, and any reference herein to the “Code Administrator” shall be construed as a reference to any deputies so appointed.
(Prior Code, § 15-101)

(B) *Appointment and term of office.* Procedures for the appointment of the Code Administrator, and his or her respective term of office, shall be governed by the provisions of § 32.07 of this code of ordinances, and are not altered by this chapter.
(Prior Code, § 15-102)

(C) *Compensation.* Any compensation paid to the Code Administrator shall be governed by the provisions of § 32.07 of this code of ordinances, and are not altered by this chapter.
(Prior Code, § 15-103)

(D) *Duties and responsibilities.*

(1) The Code Administrator shall review every application for a building permit, electrical permit, mechanical permit or plumbing permit and assure that the proposed improvement, structure or building complies with the provisions of this chapter.

(2) The Code Administrator shall collect all fees for building permits and promptly forward them to the office of the Village Treasurer. The Code Administrator shall include notification of such fees, along with information relative to the permit applications, in a monthly report to the Board of Trustees.

(3) Upon determining compliance, the Code Administrator shall issue a permit authorizing the proposed improvement, building or structure in accordance with the provisions of this chapter.

(4) The Code Administrator shall thereafter coordinate the scheduling of inspections at the appropriate stages and maintain the results of those inspections in a permanent file in his or her office.

(Prior Code, § 15-104)

§ 150.002 INSPECTION OF EXISTING COMMERCIAL PROPERTY.

(A) As referenced in this section, *COMMERCIAL PROPERTY* shall be defined as any property located within the Highway Business, Planned Business, Light Industrial or Heavy Industrial Zoning Districts used for non-residential purposes. In addition, any residential property wherein a home occupation has been authorized by the Zoning Administrator is not subject to the provisions of this section.

(B) Prior to every occupancy of every existing commercial property or part thereof, the Code Administrator and the Fire Chief shall cause an inspection to be made of the exterior and interior of the building and the property on which it is located to determine that the building and property are in compliance with all zoning, building and fire safety codes of the village.

(C) The building owner, owner's agent, tenant or other person responsible for the building or part of the building to be occupied shall notify the Code Administrator of the intent to occupy the building.

(D) The designated representatives of the Code Administrator and the Fire Chief shall provide verbal notice of the inspection date and time to the owner, owner's agent, tenant or other person responsible for the building or part of the building to be occupied. The owner, owner's agent, tenant or other person responsible for the property and building or part thereof to be occupied shall not deny entry onto the property or the premises. If entry is refused, the Code Administrator or Fire Chief shall have recourse to the remedies provided by law to secure entry.

(E) The Fire Chief, upon completion of the inspection by the Fire Department, shall report his or her findings to the Code Administrator. The Code Administrator shall notify the owner of the results of the inspections by the Building and Zoning Department and the Fire Department.

(F) If the building and property are in compliance with all zoning, building and fire safety codes of the village, and if payment of the inspection fees has been received, the Code Administrator shall be authorized to allow occupancy of the building.

(G) If violations of the various building and fire safety codes are determined to exist, a written notice of violation and order to correct, in accordance with the applicable codes, shall be issued to the building owner by the Code Administrator. The building owner shall correct all violations prior to the occupancy. Authorization to occupy the building shall not be granted by the Code Administrator and the Fire Chief until an inspection has been conducted by the appropriate department(s) verifying that the violations have been corrected.

(H) If, at the time the building is re-inspected, code violations are found to exist, and in the judgment of the Code Administrator and Fire Chief, the conditions that are determined not to be in compliance would not materially affect the safety of the occupants and the public, the building owner may request permission to conditionally occupy the building. Said conditional occupancy may be authorized by the Code Administrator for a period not to exceed 30 days, and may be revoked at any time if the condition of the building or property warrants closure for the safety of the public and occupants. All violations shall be corrected within 30 days.

(I) The building owner may appeal the inspection findings in the manner provided in building and fire safety codes.
 (Prior Code, § 15-105) (Ord. 1536, passed 12-1-2008)

§ 150.003 INSPECTION AND PERMIT FEES.

All fees required to be paid pursuant to the provisions of this chapter are contained in the table of fees listed under § 150.004 of this chapter. All such fees shall be paid to the Code Administrator, who shall issue no permit until all applicable fees are paid.
 (Prior Code, § 15-106) (Ord. 1536, passed 12-1-2008)

§ 150.004 TABLE OF FEES.

(A) The following is a listing of building, electrical, plumbing, mechanical, and fire inspection and permit fees.

	<i>Building</i>	<i>Electrical</i>	<i>Plumbing</i>	<i>Mechanical</i>
Permit fee per square foot	\$0.11	\$0.10	\$0.09	\$0.08
Minimum charge	\$35	\$35	\$35	\$35
Excess charge for additional inspections	\$35	\$35	\$35	\$35

<i>Fire (Does Not Apply to 1- and 2-Family Dwellings)</i>	
Permit fee per square foot	\$0.06
Minimum charge	\$35
Excess charge for additional inspections	\$35

(B) In calculating fees based upon square footage, the Code Administrator shall determine the total square footage of all floors of the structure in question, excluding unfinished basements, but including garages, and multiply that area by the fee per square foot listed in the table above.

Swansea - Land Usage

(1) If, in calculating fees based upon square footage, the Code Administrator determines that the calculated fee is less than the minimum charge listed in the table above, the minimum fee shall be charged.

(2) If the fee for a specific improvement or upgrade to an existing building or structure, because of its nature, cannot be calculated on the basis of square footage, the minimum fee shall be charged.

(3) If an inspector is required to perform additional inspections as a result of a previous failure to pass inspection, the applicant shall be subject to an additional charge, as listed in the table above, for each additional inspection required until the work has been approved.

(C) (1) The fee for the inspection of existing commercial property shall be as follows:

5,000 square feet of floor space or less	\$50, includes one re-inspection
More than 5,000 square feet of floor space	\$60, includes one re-inspection
Excess charge for additional inspections	\$20

(2) The appropriate fee shall be paid prior to the inspection.

(D) The fees for rental property inspections and related fees shall be as follows:

Annual rental dwelling ownership registration	\$10
Annual rental dwelling ownership registration late fee	\$25

(Prior Code, § 15-107)

(E) *Tap-in fee.*

(1) Sewer connection to the sanitary sewer mains or laterals of the village located within same shall be made by application filed with the Village Clerk. The applicant for such sewer connection shall pay all costs of labor and materials for installing the sewer connection and installation may be made only after the issuance by the village of a permit authorizing the sewer connection and specifying the size, grade and material thereof. Such sewer connection shall impose liability for a period sewer charge.

(2) The permit fee for such sewer connection shall be as follows:

- (a) Single-family residential: \$1,000 per unit within the village corporate limits;
- (b) Multiple-family, residential: \$1,000 per unit within the village corporate limits;

(c) Mobile home: \$1,000 for each mobile home within the village corporate limits;

(d) Public building, schools and churches: \$1,000 per unit within the village corporate limits;

(e) Commercial: \$1,500 for first 1,200 square feet and \$750 for each additional 1,200 square feet or fraction thereof, to a maximum of \$5,000;

(f) Hotels, motels, hospitals and nursing homes: \$600 for first 1,200 square feet and \$400 for each additional 1,200 square feet or fraction thereof;

(g) Ravenel Subdivision: \$1,200 per unit, paid as follows:

1. Two thousand four hundred dollars for each duplex, whether or not both units of the duplex are to be “finished off”;

2. One thousand two hundred dollars per unit, with a minimum of \$4,800 for each condominium building of up to four units, regardless of the final number of units in each building, or whether or not every unit within the building will be “finished off”;

3. One thousand two hundred dollars for each single-family lot;

4. One thousand two hundred dollars for the Hobby and Garden Center; and

5. One thousand two hundred dollars for the Club House.

(h) All fees stated in this section shall be one and one-half the amount for units outside the village corporate limits, excluding the county’s Township Facility Planning Area, which is 1.3. (Prior Code, § 6-1108)

(3) The inspection fees are as follows:

(a) Single-family, residential: \$25 per unit within the village corporate limits;

(b) Multiple-family, residential: \$25 per unit within the village corporate limits;

(c) Mobile home: \$25 for each mobile home, whether or not within a mobile home court within the village corporate limits;

(d) Public building, schools, churches: \$25 per unit within the village corporate limits;
and

(e) Commercial: \$25 per unit within the village corporate limits.

(4) All fees stated in this section shall be one and one-half the amount for units outside the village corporate limits, excluding the county's Township Facility Planning Area, which is 1.3. This section shall be effect for all currently platted subdivision on 7-1-2001.
(Prior Code, § 6-1110)

(F) Occupant fee for each dwelling is \$30, additional copies are \$10.

(G) The fire code inspection of the automatic suppression systems (wet and dry sprinkler, hood system, chemical agent and the like) shall be tested by the installer and witnesses by the Fire Department Code Official. The fee is \$100.

(H) *Demolition.* For the demolition of a residential structure a fee of \$55 shall be charged, and for all commercial structures a fee of \$0.05 per square foot shall be charged with a minimum charge of \$55.

(Ord. 1365, passed 4-5-2004; Ord. 1536, passed 12-1-2008; Ord. 1613, passed 6-6-2011; Ord. 1790, passed 9-18-2017; Ord. 1828, passed 6-18-2018)

§ 150.005 BOARD OF BUILDING APPEALS.

(A) *Establishment.* There is hereby established a Board of Building Appeals to render decisions on appeals that the meaning and intent of the Building Code, Residential Code, Fire Code, Mechanical Code, Electrical Code or Property Maintenance Code are being incorrectly interpreted, the provisions of the applicable code do not fully apply or an equally good or better form of construction is proposed. The Board of Building Appeals shall also render decisions on appeals of the meaning or interpretation of municipal code sections pertaining to rental property inspections.

(B) *Right of appeal.* Any person shall have the right to appeal a decision of the Code Administrator (Code Official) to the Board of Building Appeals. An application for appeal shall be made in writing and submitted to the Code Administrator within 20 calendar days of the date of the decision of the Code Administrator which is being appealed.

(C) *Membership.*

(1) The Board of Building Appeals shall consist of three members, one member appointed by the Mayor, with advice and consent of the Village Board, one member chosen by the applicant and a third member mutually chosen by the Mayor and the applicant. The appointee of the Mayor shall not be the Village Engineer, an employee of the village's consulting engineering firm or an employee of the village. The Board members shall be appointed within 30 days of an appeal being filed with the Code Administrator. Credentials of the chosen members shall be exchanged between the Code Administrator and the applicant within the 30-day period. If, within the 30-day period, the village and applicant have been unable to agree upon the third Board member, the two chosen members shall chose a qualified third member.

(2) If the two Board members are unable to reach agreement upon a third member, the Village Engineer shall appoint the third qualified member.

(D) *Qualifications.*

(1) For appeals pertaining to the Building Code, Residential Code, Mechanical Code, Electrical Code or Property Maintenance Code, each member of the Board shall be either:

(a) An architect licensed by the state;

(b) An engineer licensed by the state; and

(c) A journeyman, contractor or a superintendent of construction possessing a minimum three years experience in designing, building or installing the systems, equipment or types of construction which the appeal concerns.

(2) For appeals pertaining to the administration of § 150.006 of this chapter, each member of the Board shall be either:

(a) An attorney experienced in landlord-tenant affairs;

(b) A trained arbitrator; or

(c) A licensed social worker.

(E) *Compensation of members.* Compensation, if any is provided, shall be determined by the Board of Trustees. Compensation shall be based on the estimated or actual amount of time expended to hear the appeal and render a decision on the appeal, and the customary rates of compensation of the members.

(F) *Chairperson.* The Board shall select one of its members to serve as chairperson.

(G) *Secretary.* The Code Administrator shall designate a qualified clerk to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Code Administrator.

(H) *Procedure.* The appellant, the appellant's representative, the Code Administrator and any person whose interests are affected shall be given an opportunity to be heard. The Board shall not require compliance with strict rules of evidence, but shall require that only relevant information be received.

(I) *Board decision.* The Board shall concur in, modify or reverse the decision of the Code Administrator by a concurring vote of two members. The decision of the Board shall be reduced to writing, and mailed to the appellant within seven days of the hearing. The Code Administrator shall take immediate action in accordance with the decision of the Board.

(J) *Court review.* Any person, whether or not a previous party to the appeal, shall have the right to apply to the Circuit Court for a review of the Board's decision. (Prior Code, § 15-109) (Ord. 1582, passed 6-21-2010; Ord. 1615, passed 6-6-2011; Ord. 1652, passed 6-18-2012)

§ 150.006 OWNER, AGENT OF OWNER DEFINED.

For the purposes of §§ 150.007 and 150.009, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT OF THE OWNER. The person or entity authorized by the owner to rent, lease, manage, maintain, make expenditures, collect rent, receive notices, and correspondence from government agencies or courts or engage in any other activity required in the use and occupancy of a rental dwelling, and shall mean the person representing the agent or owner at a multi-family apartment building, multi-family apartment complex, duplex, triplex, single family residence, or other rental dwelling.

OWNER shall mean the person or entity maintaining a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property on which the structure(s) itself resides, and shall include, but is not limited to, any part owner, joint owner, mortgagee in possession, tenant in common, joint tenant, beneficiary of a land trust, tenant in partnership, or tenant by the legal entity. (Ord. 1823, passed 5-7-2018)

§ 150.007 NUISANCE CONDITIONS.

In addition to any other act declared to be a nuisance within the municipal code or other ordinances of the village, **NUISANCES** are hereby defined and declared to be as follows: Any dwelling unit(s), including common areas and premises, upon which three or more instances of any one or any combination of the actions listed below have occurred during any 180-day period, which have resulted in three or more separate factual events that have been investigated by any law enforcement agency, which have resulted in an arrest, issuance of a warrant for any arrest, issuance of a citation, or the filing of a police report, which have been alleged actions of the owner, occupants, or persons frequenting or congregating about the premises:

- (A) Disorderly conduct as defined in 720 ILCS 5/26-1, as amended, or subsequent statute;
- (B) Unlawful use of weapons as defined in 720 ILCS 5/24-1;
- (C) Mob action as defined in 720 ILCS 5/25-1;
- (D) Discharge of a firearm as defined in 720 ILCS 5/24-1.2;

(E) Gambling as defined in 720 ILCS 5/28-1;

(F) Possession, manufacture or delivery of a controlled substance as defined in 720 ILCS 570/401;

(G) Assault or battery or any related offense as defined in 720 ILCS 5/12-1;

(H) Sexual abuse or related offenses as defined in 720 ILCS 5/11-1.50;

(I) Public indecency as defined in 720 ILCS 5/11-30;

(J) Prostitution as defined in 720 ILCS 5/11-14;

(K) Criminal damage to property as defined in 720 ILCS 5/21-1;

(L) Possession, cultivation, manufacture or delivery of cannabis in violation of the Cannabis Control Act, 720 ILCS 550/1 et seq.;

(M) Illegal consumption or possession of alcohol as defined in the Liquor Control Act of 1934, 235 ILCS 5/10-1 et seq.;

(N) Any of the above statutes referenced, as amended, or any subsequent statute of the same subject matter; or

(O) Violation of any municipal ordinance of the same subject matter as the above referenced state statute.

(Ord. 1823, passed 5-7-2018)

§ 150.008 REGISTRATION OF OWNERS.

(A) Owners of all rental dwellings shall annually register with the zoning administrator all rental dwellings in their ownership located within the village. The registration fee shall be paid at the time of the submission of the registration application. All registrations made pursuant to this section shall be valid for the twelve month period beginning January 1 and ending December 31. Registration applications submitted on any date after January 1 shall expire December 31. When the last day of December falls on a Saturday or Sunday, the registration shall be valid until the first Tuesday in January. Registrations shall become invalid upon the sale of the property or reconstruction of the entity in which name the property is owned.

(B) It shall be a violation of this section for any owner to fail submit registration application and pay the required fee.

(C) The late fee provided by § 150.004(D) shall be imposed for any application received after January 15.

§ 150.009 NOTICE OF NUISANCE CONDITIONS.

Whenever the Chief of Police or the Zoning Administrator believes that a nuisance condition, as defined in § 150.007 of this chapter is occurring at any dwelling or on the premises therein, the Chief of Police or the Zoning Administrator shall issue a written notice of violation and correction order to the person or persons believed to be causing the nuisance or permitting the nuisance to occur. If the person causing a nuisance is a tenant or person or persons associating with a tenant of a rental dwelling, the Chief of Police or the Zoning Administrator shall direct the notice to the tenant. In the case of a nuisance notice directed to a tenant, the owner or agent of the owner shall also be notified. Service of the notice shall be effected by mailing certified a written copy of such notice to the last known address of each individual or entity to be notified.

(Ord. 1823, passed 5-7-2018) Penalty, see § 150.999

BUILDING REGULATIONS

§ 150.020 ADOPTION OF BUILDING CODE.

(A) The International Building Code, 2015, as published by the International Code Council, is hereby adopted as the Building Code for the village and shall hereafter regulate the construction of buildings and structures as herein provided. Exception: detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above the grade plane in height with a separate means of egress, and their accessory structures, shall comply with the Residential Building Code listed in § 150.022 of this chapter.

(B) Each and all of the codes, provisions, appendices, penalties and terms of the International Building Code, 2015, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes prescribed by § 150.021 of this chapter.

(C) All periodic revisions of the International Building Code, 2015, are hereby adopted as revisions of the Building Code of the village prospectively.

(D) The Village Clerk shall keep at least three copies of the adopted Building Code on file in his or her office for public use, inspection and examination.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

(Prior Code, § 15-201) (Ord. 1465, passed 8-21-2006)

§ 150.021 BUILDING CODE; ADDITIONS, INSERTIONS AND CHANGES.

The following provisions of the International Building Code, 2015, are hereby revised through addition, insertion or change:

(A) In § 101.1 (page 1), insert “the Village of Swansea, Illinois”;

(B) In § 101.4.3, Plumbing, replace “International Plumbing Code” with “Illinois State Plumbing Code”;

(C) Amend § 102.1, General, by adding the following sentence to the end of the existing paragraph;

(D) Amend § 1101.2, Design, to read as follows:

“1101.2 STANDARD: Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the Illinois Accessibility Code, as published by the State of Illinois Capital Development Board.”

(E) Add § 310.7, General - Concrete and Masonry Construction,

“In all Use Group R-1, R-2 and R-4 structures containing four or more units, the following shall apply:

(a) Use of Brick - A minimum of twenty five percent (25%) of the exterior side of exterior walls shall be faced with brick. Door and window openings shall be excluded from the calculation.”

(F) Replace Chapter 29 with the following:

“The provisions of the Illinois State Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, addition to, use or maintenance of plumbing equipment and systems.”

§ 150.022 ADOPTION OF RESIDENTIAL BUILDING CODE.

(A) The International Residential Code for One- and Two-Family Dwellings, as published by the International Code Council, is hereby adopted as the building code for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above the grade plane in height with a separate means of egress, and their accessory structures, within the village, and shall hereafter regulate the construction, alteration, enlargement, replacement, maintenance, removal and demolition of these buildings or structures as herein provided.

(B) Each and all of the codes, provisions, appendices, penalties and terms of the International Residential Code, 2015, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes prescribed by § 150.023 of this chapter.

(C) All periodic revisions of the International Residential Code, 2015, are hereby adopted as revisions of the Building Code of the village prospectively.

(D) The Village Clerk shall keep at least three copies of the adopted Residential Code on file in his or her office for public use, inspection and examination.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code, shall rest solely with the applicant.
(Prior Code, § 15-203) (Ord. 1465, passed 8-21-2006)

§ 150.023 RESIDENTIAL BUILDING CODE; ADDITIONS, INSERTIONS AND CHANGES.

The following provisions of the International Residential Code, 2006, are hereby revised through addition, insertion or change:

(A) In § R101.1, insert “the Village of Swansea, Illinois”;

(B) Delete Tables R302.1(1) and R302.1(2) and replace with the following:

<i>TABLE R302.1 EXTERIOR WALLS</i>			
<i>Exterior Wall Element</i>		<i>Minimum Fire Resistance Rating</i>	<i>Minimum Fire Separation Distance</i>
Walls	Fire resistance rated	1-hour tested in accordance with ASTM E 119 UL 263 with exposure from the outside	0 feet
	Not fire resistance rated	0 hours	3 feet

TABLE R302.1 EXTERIOR WALLS			
Exterior Wall Element		Minimum Fire Resistance Rating	Minimum Fire Separation Distance
Projections	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside ^{b,c}	2 feet ^a
	Not fire-resistance rated	0 hours	3 feet
Openings in walls	Not allowed	N/A	< 3 feet
	Unlimited	0 hours	3 feet
Penetrations	All	Comply with Section R302.4	< 3 feet ^a
		None required	3 feet

For SI: 1 foot = 304.8 mm.
N/A = Not Applicable.

a. For residential subdivisions where all *dwelling*s are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the *fire separation distance* for nonrated exterior walls and rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining *lot* provides an open setback *yard* that is 6 feet or more in width on the opposite side of the property line.

b. The roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

c. The roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

(C) Remove the following text from R302.5.1:

“Equipped with a self-closing device.”

(D) Delete Section R302.13.

(E) Delete Section R313.

(F) Delete Section R322.3.5.1.

(G) Delete Section R324.7.2.5.

(H) Add to Section R403.1.6 the text:

“3. Where the basic wind speed in accordance with Figure R301.2(4)A does not exceed 115 miles per hour (51 m/s), the seismic design category is A or B and Method GB in accordance with Section R602.10 is used for a braced wall line on the interior of the dwelling, anchor bolts shall not be required for the wood sole plates of the braced wall panels. Positive anchorage with approved fasteners shall be provided.”

(I) Should there be any conflicts between the provisions of Chapters 25 through 32 (inclusive) and the Illinois State Plumbing Code, the Illinois State Plumbing Code shall take precedence.

(J) Add to Section 3406.3 the text:

“The minimum size of conductors for feeders and branch circuits shall be 12 AWG copper.”

§ 150.024 COMPLIANCE WITH THE CODE.

All persons, firms or corporations hereafter constructing any building or structure in the village shall comply with the provisions of this subchapter.

(Prior Code, § 15-205) (Ord. 1465, passed 8-21-2006)

§ 150.025 APPLICATIONS, LICENSES AND PERMITS.

(A) Any person, firm or corporation desiring or intending to make any improvements or construct any building or structure in the village shall file an application with the Code Administrator for a permit to do so, prior to initiating any such work.

(B) Application shall be made on forms provided by the Code Administrator which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and the name of the contractor, architect or engineer.

(C) No permit so issued shall be transferable.

(D) No permit shall be required for the following minor alterations to existing structures:

(1) Construction of a carport;

(2) Erection of a utility shed, if less than 200 square feet in size;

(3) Erection of a fence not to exceed 6 feet 6 inches in height, not using material that exceeds six feet in length;

(4) Decks that are not more than 30 inches (762 mm) above grade at any point and do not serve the exit door required by International Residential Code Section R311.4;

(5) Replacement of windows;

(6) Replacement of siding;

(7) Replacement of shingles; and

(8) Replacement of roof decking.

(Prior Code, § 15-206) (Ord. 1465, passed 8-21-2006; Ord. 1830, passed 7-2-2018)

§ 150.026 INSPECTIONS AND CERTIFICATES OF OCCUPANCY.

(A) All construction performed after the issuance of a permit shall be inspected by the Code Administrator or his or her legally authorized representative at the following stages:

(1) Upon completion of the footings and foundation;

(2) Prior to the covering of structural members; and

(3) Following completion, but prior to occupancy.

(B) Responsibility for notifying the Code Administrator that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) No new building, structure or commercial tenant space shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

(D) All fees, as set forth in § 150.004 of this chapter, for any inspection required by this chapter shall be paid, in advance, prior to the issuance of a permit, at the Swansea Government Center. (Prior Code, § 15-207) (Ord. 1465, passed 8-21-2006)

DEMOLITION REGULATIONS

§ 150.030 PERMIT REQUIRED.

No person, firm, corporation or entity shall demolish any building in excess of 200 square feet without first securing a demolition permit.

(Ord. 1828, passed 6-18-2018)

§ 150.031 FEE REQUIRED.

A demolition permit fee as set forth in § 150.004 shall be paid to the Village Clerk. (Ord. 1828, passed 6-18-2018)

§ 150.032 PROCEDURE.

Applications for a demolition permit shall be made with the Building Official, upon forms to be supplied. As conditions for the issuance of the permit, the applicant shall furnish proof that he or she has notified all utility companies of the impending demolition and secured from them releases indicating that all utility connections have been either removed or plugged. Demolition shall not be started without the issuance of the permit.

(Ord. 1828, passed 6-18-2018)

§ 150.033 CONDITIONS OF DEMOLITION.

(A) The permit holder shall comply with all statutes and rules and regulations of the Illinois and U.S. Environmental Protection Agencies.

(B) Foundations shall be demolished to a level at least three feet below the final surface level. Basement floors shall be broken so as to drain.

(C) No fill shall be permitted unless it is compacted and will retain compaction permanently without settling, which would include but not be limited to soil, masonry rubble smaller than one foot in the largest dimension, or rock. All other material shall be considered waste and shall be removed from the site and disposed of at a state approved landfill, and landfill receipts shall be exhibited for the Building Official before completion shall be approved.

(D) Burning of waste material is prohibited.

(E) Upon completion, the area shall be covered with a minimum of six inches of soil capable of encouraging vegetation, compacted, graded and seeded. This division (E) shall be waived at the discretion of the Building Inspector, where the owner has on file with the village an issued building permit to construct a building to replace the one being demolished, and construction under the building permit is started within six months of the completion of the demolition; in which event, however, the permit holder during any interim period before construction begins is required to either provide a temporary fill to approximate ground level or provide a fence around any open excavated area of sufficient size and strength to protect against persons being injured because of the excavation.

(F) Surface drainage shall not adversely affect adjoining property.

(G) All work shall start upon issuance of the permit and proceed in a reasonably continuous manner to completion, with a 30-day maximum completion time from the date of the permit.

(H) The permit holder shall be solely liable for all claims of third persons for damage to persons or property, and the village by issuing the permit makes no representations concerning the permit holder's performance of the work or that he or she has fully complied with all laws, rules and regulations applicable.

(I) The permit holder shall leave the premises in a clean and presentable condition, per division (E) above, and notify the Building Official of completion. Completion shall not be acceptable until the Building Official issues a certificate of completion.

(J) The permit holder shall assure that suitable barriers, fences, flagging tape or other methods shall be erected to deny the public reasonable access to excavations during the entire period of demolition.

(Ord. 1828, passed 6-18-2018)

ELECTRICAL REGULATIONS

§ 150.040 ADOPTION OF CODE.

(A) The National Electrical Code, 2014, as published by the National Fire Protection Association, is hereby adopted as the Electrical Code for the village and shall hereafter regulate the installation and alteration of electrical wiring and fixtures as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the National Electrical Code, 2014, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes if any, prescribed by § 150.041 of this chapter.

(C) All periodic revisions of the National Electrical Code, 2014, are hereby adopted as revisions of the Electrical Code of the village prospectively.

(D) The Village Clerk shall keep at least three copies of the adopted Electrical Code on file in his or her office for public use, inspections and examination.

(E) Responsibility for assuring that plans for any proposed electrical installation or alteration comply with the provisions of the adopted code shall rest solely with the applicant.

(Prior Code, § 15-301) (Ord. 1602, passed 1-5-2011)

§ 150.041 GENERAL EXCEPTIONS.

(A) It shall be prohibited to use aluminum wire or copper clad aluminum wire in any branch circuit wiring within the village. Aluminum wiring or copper clad aluminum wiring shall be permitted for main

service entrance feeders up to the distribution panel(s) only. All aluminum or copper-clad aluminum wiring shall be AA-8000 series aluminum alloy meeting the requirements of A.S.T.M. B800 and A.S.T.M. B801. When used, all aluminum or copper-clad aluminum wiring shall be installed in accordance with the adopted Electrical Code and the manufacturer's installation instructions.

(B) No branch circuit wires smaller than AWG No. 12 may be installed or connected to any device serving lighting or power loads, unless the branch circuit voltage is less than normal voltage supplied by Ameren Illinois and has been transformed down for use on low voltage control circuits.

(C) The minimum electrical service amperage shall be 100 Amps.

(D) Ground wire shall be copper wire in PVC conduit from meter socket to ground rod.

(E) Entrance conductors and neutral shall be of the same wire gauge and amperage rating.

(F) (1) All dwellings shall have smoke detectors and carbon monoxide detectors that are hard wired (110V) with battery backup and shall be interconnected. Smoke detectors shall be located within every bedroom and in halls outside of bedrooms within 15 feet of the bedroom door and in each level of the dwelling. Carbon monoxide detectors shall be located within 15 feet of every bedroom door.

(2) *Exception.* Existing dwellings that have been unaltered shall not be required to have hard wired and interconnected systems, they must however have smoke and carbon monoxide detectors in the aforementioned locations. Once an existing dwelling is altered any altered area shall comply with general exception division (F) completely.

(G) Single dedicated receptacles for refrigeration, sump pumps, and all other exclusions outlined in the National Electrical Code, 2005 edition for ground fault current interruption protection shall be permitted.

(H) The National Electrical Code, 2005 edition language regarding arc fault protection relating to arc fault placement within dwellings shall be permitted.

(I) Annex G, Administration and Enforcement, Section 80.15, Electrical Board, paragraph (B), Appointments, paragraph (C), Terms, paragraph (D), Compensation, and paragraph (E), Quorum, are deleted. The Village Board of Building Appeals, as established in § 150.005, shall serve as the Electrical Board of the village.

(J) Annex G, Administration and Enforcement, Section 80.23, Notice of Violation Penalties, paragraph B, Penalties, (3) is deleted. Sections 150.01 through 150.005 and 150.999 of this chapter shall govern.

(Prior Code, § 15-302) (Ord. 1514, passed 5-19-2008; Ord. 1602, passed 1-5-2011; Ord. 1810, passed 2-20-2018)

§ 150.042 ADDITIONAL REGULATIONS, MANUFACTURED HOMES.

(A) The provisions of Art. 550 of the National Electrical Code, 2014, “Mobile Homes and Mobile Home Parks”, shall be applicable to the requirements of this chapter.

(B) There are two types of manufactured home, temporary or permanent electrical service, as follows.

(1) *Temporary.* A manufactured home electrical service installation will be classed as temporary if it is installed for 30 calendar days or less.

(2) *Permanent.* A manufactured home electrical service installation will be classed as permanent if it is installed for more than 30 calendar days. Regardless of whether the manufactured home is moved from one location to another within the village, the days are accumulative.

(C) The installation of all service entrance equipment and conductors shall conform to this Electrical Code.

(1) All wiring shall be installed in rigid heavy wall galvanized conduit or service 40 P.V.C. rigid conduit from pole or pedestal to service panel in manufactured homes.

(2) Service 40 P.V.C. rigid conduit shall be permitted on the service entrance, only at a point under the manufactured home or chassis.

(3) Exposed conduit shall only be rigid heavy wall galvanized conduit or service 40 P.V.C. conduit.

(4) Conduit locknuts shall be installed on each side of the meter pedestal metal box and service panel and conduit bushings, bonding type inside of panels and locknuts and bushings shall be galvanized.

(5) Bonding ground conductor can be bare copper or identified by green color or continuous green color with one or more yellow stripes.

(6) The use of water pipe or water pipe fitting in the wire installation is not permissible.

(D) (1) The wiring from the manufactured home service panel to an air-conditioner unit shall be in conduit and shall have a disconnect switch located at the compressor unit.

(2) No more than 36 inches of P.V.C. flex conduit shall be allowed.

(E) When outdoor or under-chassis line-voltage wiring is exposed to moisture or physical damage it shall be protected by rigid conduit. The conductor shall be suitable for wet locations in conformity with the National Electrical Code § 550-8-10-h(1).

(F) The grounding of both electrical and non-electrical parts on the manufactured home shall be through connection to a grounding bus in a manufactured home distribution panel.

(1) The grounding bus shall be grounded through the green colored conductor in the supply cord or the feeder wiring to the service ground in the service entrance equipment located adjacent to the manufactured home location.

(2) Neither the frame of the manufactured home nor the frame of any appliance may be connected to the neutral conductor in the manufactured home so as to comply with § 550-11 of the National Electrical Code.

(Prior Code, § 15-303) (Ord. 1602, passed 1-5-2011)

§ 150.043 COMPLIANCE WITH THE CODE.

All persons, firms or corporations hereafter installing or altering any electrical wiring or fixture in the village shall comply with the provisions of this subchapter.
(Prior Code, § 15-304)

§ 150.044 APPLICATIONS, LICENSES AND PERMITS.

(A) All persons, firms or corporations desiring to install electrical wiring, apparatus or machinery for the use of electrical current shall file an application with the Code Administrator for a permit to do so, prior to installing any new wiring or altering any existing wiring.

(B) Application shall be made on forms provided by the Code Administrator which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number and a statement whether or not the person making the application is a qualified electrical contractor or electrician.

(C) If the applicant is the owner of a dwelling wherein he or she resides or proposes to reside, and said applicant proposes to install or replace electrical wiring himself or herself, he or she shall fully inform the Code Administrator of his or her qualifications for performing the work proposed and the Administrator must approve the qualifications before any permit is issued.

(D) (1) No permit so issued shall be transferable.

(2) Temporary permits may be used when, in the judgment of the Code Administrator, such are deemed advisable.

(3) No permit shall be issued to any unqualified person, and the judgment of the Code Administrator as to the qualifications shall be final.
(Prior Code, § 15-305)

§ 150.045 INSPECTIONS AND CERTIFICATES OF APPROVAL.

(A) All electrical installation or alteration performed after the issuance of a permit shall be inspected by the Code Administrator or his or her legally authorized representative at the following stages:

- (1) Upon installation of any temporary service;
- (2) Upon completion of rough in, but prior to covering;
- (3) Upon completion of permanent service; and

(4) Following completion, but prior to occupancy.

(B) Responsibility for notifying the Code Administrator that a specific stage of construction has been reached and an inspection is requested shall rest solely with the applicant.

(C) (1) No new building or structure shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

(2) No new or remodeled electrical installations shall be connected with the electrical power supply lines until the same have received a final inspection and certificate of approval from the Code Administrator.

(D) All fees, as set forth in § 150.004 of this chapter, for any inspection required by this chapter shall be paid, in advance, prior to the issuance of a permit, at the Swansea Government Center, 1400 North Illinois Street, Swansea, IL.

(Prior Code, § 15-306)

§ 150.046 ANNUAL AND SEMIANNUAL INSPECTIONS.

(A) All buildings and structures, other than residential buildings, located within the corporate limits of the village and using electricity for lighting or power, shall be subject to annual inspection by the Code Administrator.

(1) The Administrator may inspect the wiring and electrical installations and shall issue to the person in charge of the premises a notice, in writing, setting forth any changes or alterations which are to be made so that the wiring will comply with the safety regulations of the village.

(2) All such changes or alterations shall be made and completed within 30 days of the receipt of the notice, unless, in the opinion of the Code Administrator, they shall be made immediately.

(3) After the changes or alterations are accomplished they shall be re-inspected by the Code Administrator for approval.

(B) All industrial plants and factories shall be subject to semi-annual inspections of all electrical wiring and installations.

(1) The Administrator may inspect the wiring and electrical installations and issue to the person in charge of the premises a notice, in writing, setting forth any changes or alterations which are to be made so that the wiring will comply with the safety regulations of the village.

(2) All such changes or alterations shall be made and completed within 30 days of the receipt of the notice, unless, in the opinion of the Code Administrator, they shall be made immediately.

(3) After the changes or alterations are accomplished, they shall be re-inspected by the Code Administrator for approval.
(Prior Code, § 15-307)

MECHANICAL REGULATIONS

§ 150.060 ADOPTION OF MECHANICAL CODE.

(A) The International Mechanical Code, 2015, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Mechanical Code for the village and shall hereafter regulate the installation and alteration of mechanical systems as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the International Mechanical Code, 2015, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes if any, prescribed by § 150.061 of this chapter.

(C) All periodic revisions of the International Mechanical Code, 2015, are hereby adopted as revisions of the Mechanical Code of the village prospectively.

(D) The Village Clerk shall keep at least three copies of the adopted Mechanical Code on file in his or her office for public use, inspections and examination.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.
(Prior Code, § 15-401) (Ord. 1587, passed 7-6-2010)

§ 150.061 MECHANICAL CODE; ADDITIONS, INSERTIONS AND CHANGES.

The following provisions of the International Mechanical Code, 2015, are hereby revised through addition, insertion or change:

(A) In Chapter 1, Administration, § 101, General, Subsection 101.1, Title, insert: “the Village of Swansea, Illinois”;

(B) In Chapter 1, Administration, § 106, Permits, Subsection 106.5.2, Fee Schedule, insert the following: “See § 150.004 of the Swansea Code of Ordinances”;

(C) In Chapter 1, Administration, § 108, Violations, Subsection 108.4, Violation penalties, insert the terms: “Misdemeanor” and “\$750.00”; and delete the phrase: “or by imprisonment not exceeding [SPECIFY TIME], or both such fine and imprisonment”;

(D) In Chapter 1, Administration, § 108.4, Violation Penalties, “\$25.00” and “\$750.00”;

(E) In Chapter 8, Chimneys and Vents, § 504.803, Connectors, Subsection 894.803.10.3, Connection, add to the paragraph:

“A vent connector shall not be connected to a chimney flue of a solid fuel burning fireplace unless the fireplace is permanently sealed.”

(Prior Code, § 15-402) (Ord. 1587, passed 7-6-2010)

§ 150.062 ADOPTION OF FUEL GAS CODE.

(A) The International Fuel Gas Code, 2015, as published by the International Code Council is hereby adopted as the Fuel Gas Code for the village and shall hereafter regulate the installation and alteration of fuel gas systems as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the International Fuel Gas Code, 2015, are hereby referred to. adopted and made a part of, as fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed by § 150.063 of this chapter.

(C) All periodic revisions of the International Fuel Gas Code, 2015, are hereby adopted as revisions of the Mechanical Code of the village prospectively.

(D) The Village Clerk shall keep at least three copies of the adopted Mechanical Code on file in his or her office for public use, inspection and examination.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.
(Prior Code, § 15-403) (Ord. 1589, passed 8-16-2010)

§ 150.063 FUEL GAS CODE; ADDITIONS, INSERTIONS AND CHANGES.

(A) In Chapter 1, Administration, Section 101, General, Subsection 101.1 Title, insert: “the Village of Swansea. Illinois”.

(B) In Chapter 1, Administration, Section 106, Permits, Subsection 106.5.2, Fee schedule, the text shall read as follows: “The fees shall be as indicated in § 150.004 of the Swansea Municipal Code”.

(C) In Chapter 1, Administration, Section 106, Permits, Subsection 106.5.3, Fee refunds, paragraph 2 and paragraph 3 are deleted.

(D) In Chapter 1, Administration, Section 108, Violations, Subsection 108.4, Violation penalties, insert the terms: “Ordinance violation” and “\$750.00”; and delete the phrase: “or by imprisonment not exceeding [SPECIFY TIME] or both such fine and imprisonment”.

(E) In Chapter 1, Administration, Section 109, Means of appeal, is deleted.

(F) In Chapter 2, Definitions, § 202.0, General Definitions, add:

“Install: To connect any gas or oil-consuming device to a fuel line of approved size or type; or to place any solid fuel device into position for service or use in accordance with all instructions provided by the manufacturer for such installation.”

(Prior Code, § 15-404) (Ord. 1589, passed 8-16-2010)

§ 150.064 COMPLIANCE WITH THE CODE.

All persons, firms or corporations hereafter installing or altering any mechanical system within the village shall comply with the provisions of this subchapter.

(Prior Code, § 15-405)

§ 150.065 APPLICATIONS, LICENSES AND PERMITS.

(A) Any person, firm or corporation, desiring or intending to install or alter any mechanical system in the village shall file an application with the Code Administrator for a permit to do so, prior to initiating any such work.

(B) Application shall be made on forms provided by the Code Administrator which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number, and the name of the contractor, architect or engineer.

(C) No permit so issued shall be transferable.

(D) No permit shall be required for the following minor alterations to existing systems:

(1) Routine service including cleaning, lubrication, filter replacement, adding Freon or any other minor maintenance task necessary to ensure proper system operation; or

(2) Replacement of individual parts such as compressors, controls, motors and the like.

(Prior Code, § 15-406)

§ 150.066 INSPECTIONS AND CERTIFICATES OF OCCUPANCY.

(A) Any alteration or installation of a mechanical system performed after the issuance of a permit shall be inspected by the Code Administrator or his or her legally authorized representative at the following stages:

- (1) Prior to covering or enclosing any part of the system; and
- (2) Upon completion of installation.

(B) Responsibility for notifying the Code Administrator that a specific stage of alteration or installation has been reached and an inspection is required shall rest solely with the applicant.

(C) No new building or structure shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

(D) All fees, as set forth in § 150.004 of this chapter, for any inspection required by this chapter shall be paid, in advance, prior to the issuance of a permit, at the Swansea Government Center, 1400 North Illinois Street, Swansea, IL.
(Prior Code, § 15-407)

PLUMBING REGULATIONS**§ 150.080 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions, as contained in this section, shall take precedence over any other accepted meaning including those contained in any reference material referred to in this subchapter.

PLUMBING. The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following.

(1) ***PLUMBING FIXTURES.*** Installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquids or liquid-borne waste, with or without discharge into the drainage system with which they may be directly or indirectly connected.

(2) ***PLUMBING SYSTEMS.*** Includes the water supply and distribution pipes, plumbing fixtures and traps, soil, waste and vent pipes, building drains, including their respective connections, devices and appurtenances within the property lines of the premises, and water-treating or water-using equipment.

(3) ***SANITARY DRAINAGE OR STORM DRAINAGE FACILITIES.*** The venting system, and public or private water supply systems, within or adjacent to any building, structure or conveyance; installation, maintenance, extension or alteration of storm water, liquid waste or sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.
(Prior Code, § 15-501)

§ 150.081 ADOPTION OF CODE.

(A) The State Plumbing Code, as revised, and all amendments and modifications thereto, is hereby adopted as the Plumbing Code for the village and hereafter shall regulate the installation and alteration of plumbing systems as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the State Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes if any, prescribed herein.

(C) All periodic revisions of the State Plumbing Code are hereby adopted as revisions of the Plumbing Code of the village prospectively.

(D) The Village Clerk shall keep at least three copies of the adopted Plumbing Code on file in his or her office for public use, inspections and examination.

(E) Responsibility for assuring that plans for any proposed plumbing system installation or alteration comply with the provisions of the adopted code shall rest solely with the applicant.
(Prior Code, § 15-502)

§ 150.082 CONFORMITY TO STATE LICENSE STATUTE REQUIRED.

No person, firm or corporation shall hereinafter engage in the business of plumbing in the village, either as a plumbing contractor or employing plumbers, or as journeymen plumbers who shall not comply with the license requirement of the Plumbing License Law of the state.
(Prior Code, § 15-503)

§ 150.083 ADMINISTRATIVE AUTHORITY.

Authority to administer and enforce the provisions of this subchapter shall be vested in the office of Plumbing Inspector.
(Prior Code, § 15-504)

§ 150.084 OFFICE OF PLUMBING INSPECTOR.

(A) (1) There is hereby created the office of Plumbing Inspector, who shall be appointed annually by the President of the Board at the first regular meeting in May, with the advice and consent of the Board of Trustees, and who shall serve for a term of one year or until his or her successor has been appointed and qualified.

(2) No person shall be appointed Plumbing Inspector who shall not have been, at the time of his or her appointment, a licensed plumber in accordance with the State Plumbers' License Law.
(Prior Code, § 15-505)

(B) (1) The Plumbing Inspector shall sign and issue all notices, permits and certificates required by this subchapter.

(2) He or she shall keep a record of the performance of his or her duties, which shall include a record of all notices issued, applications received and permits granted.

(3) He or she shall keep a record of violations of this subchapter.

(4) He or she shall inspect and, for the purpose thereof, may enter all houses undergoing alteration or repair as often as may be necessary to ensure conformance with the requirements of this subchapter.

(5) He or she shall compel all work on plumbing to be performed in accordance with the provisions of this subchapter.

(6) He or she shall cause to be kept a record of measurements of all sewer taps in relation to property lines.
(Prior Code, § 15-506)

§ 150.085 PLUMBING PERMITS.

(A) No plumbing shall be installed, altered or changed in any building or structure within the corporate limits of the village, until an application for permit has been filed with the Code Administrator and a permit issued.

(B) Application shall be made on forms provided by the Code Administrator which shall at least include a detailed description of the work to be done, the materials to be used, the locality of the premises by street name and number and a statement whether or not the person making the application is a licensed plumber in the state.

(C) A permit shall be issued only to persons specified in the State Plumbing Code.

(D) No permit so issued shall be transferable.
(Prior Code, § 15-507)

§ 150.086 INSPECTIONS, DEFECTIVE WORK, RE-INSPECTION.

(A) All plumbing installation or alteration performed after the issuance of a permit shall be inspected by the Plumbing Inspector or his or her legally authorized representative at the following stages:

- (1) Upon completion of groundwork, but prior to covering;
- (2) Upon completion of rough in, but prior to covering; and
- (3) Following completion, but prior to use.

(B) Responsibility for notifying the Code Administrator that a specific stage of construction has been reached and that inspection is requested shall rest solely with the applicant.

(C) No new building or structure shall be occupied or used unless it has passed each inspection and a certificate of occupancy has been issued.

(D) All fees, as set forth in § 150.004 of this chapter, for any inspection required by this chapter shall be paid, in advance, prior to the issuance of a permit, at the Swansea Government Center, 1400 North Illinois Street, Swansea, IL.
(Prior Code, § 15-508)

§ 150.087 REQUIREMENT OF BOND.

(A) Any person who shall engage in the business of plumbing as a journeyman plumber, plumbing contractor or employing plumbers in the village shall provide a copy of an indemnification bond as required by the State Department of Professional Regulation.

(B) The bond shall be conditioned upon full indemnity to the village against damage to same or to any persons to whom the village may be liable by reason of:

- (1) Failure of the firm to observe ordinances of the village pertaining to plumbing;

(2) Failure of the firm to observe all rules and regulations established under the authority of any ordinance of the village pertaining to plumbing; and

(3) Negligence of the firm or its employees in performing or protecting any plumbing work.

(C) The bond shall be kept in full force during the time the plumbing contractor, employing plumbers and self-employed journeyman perform plumbing work within the village.

(D) The surety providing the bond shall be approved by the President of the Village Board of Trustees and the bond shall be filed with the Code Administrator.
(Prior Code, § 15-509)

§ 150.088 VIOLATIONS.

(A) Any person who shall engage in the business of plumbing as a journeyman plumber, plumbing contractor or employing plumbers in the village without having obtained a license for plumbing from the state shall, upon conviction, be fined in accordance with § 150.999 of this chapter for each time he or she so engages in the business of plumbing in violation of this subchapter.

(B) Any person who shall not have obtained the permit required by this subchapter, prior to the commencement of any plumbing work shall, upon conviction, be fined in accordance with § 150.999 of this chapter.

(C) (1) Any person who shall refuse or neglect to obey any order of the plumbing inspector to correct or remove a nuisance existing by reason of unsanitary plumbing, or plumbing installed in violation of this subchapter shall, upon conviction, be fined in accordance with § 150.999 of this chapter.

(2) Each day that such nuisance shall continue to exist after the expiration of the time fixed by the plumbing inspector for the removal thereof shall constitute a separate offense.
(Prior Code, § 15-510)

§ 150.089 SUMP PUMPS.

Any new construction in the village that commences after the effective date of this section shall have sump pumps that are constructed in such a way as to not cause a nuisance, as defined in § 91.01 of this chapter.

(Prior Code, § 15-511) (Ord. 1498, passed 9-17-2007)

§ 150.090 ADOPTION OF THE EXISTING BUILDING CODE.

(A) The International Existing Building Code, 2015, as published by the International Code Council is hereby adopted as the Existing Building Code for the village and shall hereafter regulate the alterations of existing structures as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of the International Existing Building Code, 2015, here hereby referred to adopted and made a part of, as fully set out in this section, with the additions, insertions, deletions and changes, if any as prescribed.

(C) All periodic revisions of the International Existing Building Code, 2015, are hereby adopted as revisions of the Existing Building Code of the village prospectively.

(D) The Village Clerk shall keep at least three copies of the adopted Existing Building Code on file in his or her office for public use; inspection and examination.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.

§ 150.091 EXISTING BUILDING CODE; ADDITIONS, INSERTIONS AND CHANGES.

(A) In Chapter 1, Administration, Section 101, General, Subsection 101.1 Title, insert:

“the Village of Swansea, Illinois.”

(B) In Chapter 1, Administration, Section 112, Board of Appeals, is deleted.

FIRE CODE REGULATIONS

§ 150.105 ADOPTION OF THE INTERNATIONAL FIRE CODE.

(A) The International Fire Code, 2006, as published by the Building Officials and the Administrators International, Inc., is hereby adopted as the Fire Prevention Code for the village for the control of buildings, structures and premises as herein provided.

(B) Each and all of the codes, provisions, penalties and terms of International Fire Code, 2006, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes if any, prescribed by § 150.106 of this chapter.

(C) All periodic revisions of International Fire Code, 2006, are hereby adopted as revisions of the Fire Prevention Code of the village prospectively.

(D) The Village Clerk shall keep at least one copy of the adopted Fire Prevention Code on file in his or her office for the public use, inspection and examination.

(E) Responsibility for assuring that plans for any proposed construction comply with the provisions of the adopted code shall rest solely with the applicant.
(Prior Code, § 15-601) (Ord. 1461, passed 7-17-2006)

§ 150.106 ADDITIONS, INSERTIONS AND CHANGES.

The following provisions of the International Fire Code, 2006, are hereby revised through addition, insertion or change:

- (A) Section 105.6, delete in its entirety;
- (B) Section 105.6.1, delete in its entirety;
- (C) Section 105.6.3, delete in its entirety;
- (D) Section 105.6.4, delete in its entirety;
- (E) Section 105.6.5, delete in its entirety;
- (F) Section 105.6.6, delete in its entirety;
- (G) Section 105.6.7, delete in its entirety;
- (H) Section 105.6.8, delete in its entirety;
- (I) Section 105.6.9, delete in its entirety;
- (J) Section 105.6.10, delete in its entirety;
- (K) Section 105.6.11, delete in its entirety;
- (L) Section 105.6.12, delete in its entirety;
- (M) Section 105.6.13, delete in its entirety;
- (N) Section 105.6.14, delete in its entirety;

- (O) Section 105.6.15, delete in its entirety;
- (P) Section 105.6.16, delete in its entirety;
- (Q) Section 105.6.17, delete in its entirety;
- (R) Section 105.6.18, delete in its entirety;
- (S) Section 105.6.19, delete in its entirety;
- (T) Section 105.6.20, delete in its entirety;
- (U) Section 105.6.21, delete in its entirety;
- (V) Section 105.6.22, delete in its entirety;
- (W) Section 105.6.23, delete in its entirety;
- (X) Section 105.6.24, delete in its entirety;
- (Y) Section 105.6.25, delete in its entirety;
- (Z) Section 105.6.26, delete in its entirety;
- (AA) Section 105.6.27, delete in its entirety;
- (BB) Section 105.6.28, delete in its entirety;
- (CC) Section 105.6.29, delete in its entirety;
- (DD) Section 105.6.30, delete in its entirety;
- (EE) Section 105.6.31, delete in its entirety;
- (FF) Section 105.6.32, delete in its entirety;
- (GG) Section 105.6.33, delete in its entirety;
- (HH) Section 105.6.34, delete in its entirety;
- (II) Section 105.6.35, delete in its entirety;
- (JJ) Section 105.6.36, delete in its entirety;

(KK) Section 105.6.37, delete in its entirety;

(LL) Section 105.6.38, delete in its entirety;

(MM) Section 105.6.39, delete in its entirety;

(NN) Section 105.6.40, delete in its entirety;

(OO) Section 105.6.41, delete in its entirety;

(PP) Section 105.6.42, delete in its entirety;

(QQ) Section 105.6.43, delete in its entirety;

(RR) Section 105.6.44, delete in its entirety;

(SS) Section 105.6.45, delete in its entirety;

(TT) Section 105.6.46, delete in its entirety;

(UU) Section 105.7.3, delete in its entirety;

(VV) Section 105.7.6, delete in its entirety;

(WW) Section 105.7.7, delete in its entirety;

(XX) Section 105.7.8, delete in its entirety;

(YY) Section 105.7.9, delete in its entirety;

(ZZ) Section 105.7.13, delete in its entirety;

(AAA) Section 307, delete in its entirety; and

(BBB) Section 308.3, delete in its entirety.

(Prior Code, § 15-602) (Ord. 1461, passed 7-17-2006)

§ 150.107 COMPLIANCE WITH CODE.

All persons, firms or corporations hereafter constructing any building or structure in the village shall comply with the provisions of this subchapter.

(Prior Code, § 15-604)

§ 150.108 ADDITIONAL INSPECTIONS AND FEES.

(A) The following is a list of fire code inspections authorized and fees imposed:

Automatic suppression systems (wet and dry sprinkler, hood system, chemical agent and the like) shall be tested by the installer and witnessed by the Fire Department Code Official	\$100
Fire Code inspection 0—2,500 square feet of floor space	\$25 per visit (on routine schedule of the Fire Department Code Official)
Fire Code inspection 2,501—5,000 square feet	\$50
Fire Code inspection 5,001—10,000 square feet	\$100
Fire Code inspection 10,000 and larger	\$150
Re-inspection of automatic suppression system	\$50 per visit

(B) The Fire Code inspection fee shall be waived for schools, churches, facilities controlled by not-for-profit organizations and governmental entities.

(C) A late fee in the amount of 50% of the inspection fee shall be assessed on any Fire Code inspection fee that is due and payment is not received by the Code Administrator within 30 days after the date of the invoice. An additional late fee of 50% of the inspection fee shall be imposed for any fee not received within 90 days of the date of the original invoice.

(Prior Code, § 15-605) (Ord. 1567, passed 3-1-2010; Ord. 1627, passed 10-3-2011)

PROPERTY MAINTENANCE CODE

SCOPE AND ADMINISTRATION

§ 150.120 GENERAL.

(A) *Title.* These regulations shall be known as the Property Maintenance Code of Swansea, Illinois hereinafter referred to as “this code.”

(B) *Scope.* The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilations, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(C) *Intent*. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

(D) *Severability*. If a section, subsection, sentence, clause or phase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 1806, passed 2-5-2018)

§ 150.121 APPLICABILITY.

(A) *General*. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the reference standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(B) *Maintenance*. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(C) *Application of other codes*. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Swansea Building Code Regulations. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Swansea Zoning Code.

(D) *Existing remedies*. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

(E) *Workmanship*. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

(F) *Historic buildings*. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

(G) Referenced codes and standards.

(1) (a) The codes and standards referenced in this code shall be those that are listed in §§ 150.020 through 150.108 and are considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in divisions (G)(2) and (G)(3) below.

(b) *Exception.* Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

(2) *Conflicts.* Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(3) *Provisions in reference codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

(H) *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

(I) *Application of references.* References to chapter, or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(J) *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.
(Ord. 1806, passed 2-5-2018)

§ 150.122 [RESERVED].

§ 150.123 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION.

(A) *General.* The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

(B) *Appointment.* The code official shall be appointed by the President of the Village Board of Trustees of the jurisdiction.

(C) *Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the President of the Village Board of Trustees, the code official shall have the authority to appoint a/an deputy(s). Such employees shall have powers as delegated by the code official.

(D) *Liability.* The code official, member of the Board of Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(E) *Permit to occupy.*

(1) *Permit required.*

(a) It shall be unlawful for any person owner or agent thereof to occupy or use, or to permit any person to occupy or use any premises for any purpose including the movement of furniture, equipment or other personal property into said premises until a permit to occupy has been issued by the code official. The permit so issued shall state that the condition of the premises and its proposed occupation complies with all of the provisions of this code as far as can be determined by a visual inspections of the premises and a review of the records.

(b) *Exception.* Persons legally and continually occupying a premise prior to December 1, 2015 shall not be required to obtain a permit to occupy.

(2) *Application for occupancy.* It shall be unlawful for any person to knowingly make any false statements on an application for permit to occupy a dwelling unit as to the names, relationships, ages, or number of occupants who will occupy the dwelling unit. One of the following documents shall be submitted with application: copy of lease, sales contract or closing papers.

(3) *Action on an application.* The code official shall examine or cause to be examined all applications for permits within a reasonable time after filing. No certificate of occupancy will be issued until an inspection of the premises has been completed and approved. No inspection shall be required for a dwelling unit that is less than five years of age.

(4) *Suspension of permit.* Any permit issued shall become invalid if the occupancy is not commenced within six months after issuance of the permit.

(5) *Revocation of permit.* The code official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this code.

(F) *Fees.* The fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be indicated in the following schedule.

(1) Inspection permit fee of \$50 per unit shall be paid prior to the village conducting an inspection of a multi-family rental structure (apartments). It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the village. An inspection shall be valid for a period of one year. The dwelling unit does not have to be re-inspected during that period, even if the occupancy changes.

(2) Inspection permit fee of \$100 shall be paid prior to the village conducting an inspection of a single family residence. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the village. An inspection shall be valid for a period of one year. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(3) Inspection permit fee of \$75 shall be paid prior to the village conducting an inspection of a manufactured/mobile home. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the village. An inspection shall be valid for a period of one year. The dwelling unit does not have to be re-inspected during that period, even if the occupancy changes.

(4) Inspection permit fee of \$100 shall be paid prior to the village conducting an inspection of a duplex/condominium. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the village. An inspection shall be valid for a period of one year. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(5) A copy of an existing certificate of occupancy shall be a fee of \$20.

(6) The certificate of occupancy fee of \$30 shall be paid at the time certificate is issued. It shall be the responsibility of the tenant/occupant to apply for certificate of occupancy after application for occupancy has been approved.

(7) (a) A re-inspection fee of \$50 shall be paid when initial inspections fail or no access to structure. It shall be the responsibility of the property owner/agent to make the advance payment prior to scheduling a re-inspection.

(b) *Exception.* For inspections that fail for minor code violations the Building and Zoning Director shall use their discretion in waiving the re-inspection fee.

(8) All fees shall be non-refundable.
(Ord. 1806, passed 2-5-2018)

§ 150.124 DUTIES AND POWERS OF THE CODE OFFICIAL.

(A) *General.* The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(B) *Inspections.* The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(C) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

(D) *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(E) *Notice and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.

(F) *Department records.* The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public record.

(Ord. 1806, passed 2-5-2018)

§ 150.125 APPROVAL.

(A) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire

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safety requirements. The details of action granting modifications shall be recorded and entered in the Department files.

(B) *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

(C) *Requesting testing.* Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(1) *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(2) *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.

(D) *Used material and equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

(E) *Approved materials and equipment.* Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

(F) *Research reports.* Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(Ord. 1806, passed 2-5-2018)

§ 150.126 VIOLATIONS.

(A) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(B) *Notice of violation.* The code official shall serve a notice of violation or order in accordance with § 150.127.

(C) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with § 150.127 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) *Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to all fines, penalties, and sentencing of a petty offense, as such term is defined in the Unified Code of Corrections Act (see 730 ILCS 5/5-4.5-75). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Penalty, see § 150.999.)

(E) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
(Ord. 1806, passed 2-5-2018)

§ 150.127 NOTICES AND ORDERS.

(A) *Notice to person responsible.* Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in divisions (B) and (C) below to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with § 150.128(B).

(B) *Form.* Such notice prescribed in division (A) above shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

(5) Inform the property owner of the right to appeal.

(6) Include a statement of the right to file a lien in accordance with § 150.126(C).

(C) *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:

(1) Delivered personally;

(2) Sent by certified or first-class mail addressed to the last known address; or

(3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(D) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

(E) *Penalties.* Penalties for noncompliance with orders and notices shall be set forth in § 150.126(C).

(F) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 1806, passed 2-5-2018)

§ 150.128 UNSAFE STRUCTURE AND EQUIPMENT.

(A) *General.* When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

(1) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more person than permitted under this code, or was erected, altered or occupied contrary to law.

(5) *Dangerous structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

(a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings as required in the 2015 International Existing Building Code.

(b) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

(c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

(d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

(e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

(f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

(g) The building or structure is neglected, damaged, dilapidated, unsecured or

abandoned so as to become an attractive nuisance to children who might play in the building or structure to their

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danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

(h) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

(i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(j) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

(k) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(B) *Closing of vacant structures.*

(1) If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structure collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(2) *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in § 150.121(G) in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

(C) *Notice.* Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and service on the owner or the person or persons responsible for the structure or

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equipment in accordance with § 150.127(C). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in § 150.127(B).

(D) *Placarding.*

(1) Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(2) *Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

(E) *Prohibited occupancy.* Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

(F) *Abatement methods.* The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

(G) *Record.* The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
(Ord. 1806, passed 2-5-2018)

§ 150.129 EMERGENCY MEASURES.

(A) *Imminent danger.* When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Office.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(B) *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(C) *Closing streets.* When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(D) *Emergency repairs.* For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(E) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(F) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.

(Ord. 1806, passed 2-5-2018)

§ 150.130 DEMOLITION.

(A) *General.* The code official shall order the owner of any premises upon which is located any structure, which in the code officials judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

(B) *Notices and orders.* All notices and orders shall comply with § 150.127.

(C) *Failure to comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under said contact or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items or expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state, with the approval of the Village Board. (Ord. 1806, passed 2-5-2018)

§ 150.131 MEANS OF APPEAL.

(A) *Application for appeal.* Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The fee for an application of appeal of \$50 is to be paid at the time application is filed and shall be non-refundable.

(B) *Membership of the Board.* The Board of Appeals shall consist of a minimum of five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The Board shall be appointed by the President of the Village Board of Trustees, and shall service staggered and overlapping terms as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

(1) *Alternate members.* The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the Board of Appeals Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership. Alternate members shall be appointed for five years or until a successor has been appointed.

(2) *Chairman.* The Board shall annually select one of its members to serve as Chairman.

(3) *Disqualification of member.* A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(4) *Secretary.* The Building and Zoning Director shall serve as Secretary to the Board. The Secretary shall file detailed record of all proceedings in the office of the President of the Village Board of Trustees, and in the office of the code official.

(C) *Notice of meeting.* The Board shall meet upon notice from the Chairman, with ten days of the filing of an appeal, or at state periodic meetings.

(D) *Open hearing.*

(1) All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the Board membership.

(2) *Procedure.* The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information is received.

(E) *Postponed hearing.* When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(F) *Board decision.* The Board shall modify or reverse the decision of the code official by a concurring vote of three members.

(1) *Resolution.* The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and the code official.

(2) *Administration.* The code official shall take action within five working days in accordance with the decision of the Board.

(G) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filling of the decision in the office of the chief administrative officer.

(H) *Stays of enforcement.* Appeals of notice and orders (other than imminent damager notices) shall stay the enforcement of the notice and order until appeal is heard by the Appeals Board. (Ord. 1806, passed 2-5-2018)

§ 150.132 STOP WORK ORDER.

(A) *Authority.* Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

(B) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to person doing the work. Upon issuance of a stop work order, the cited work

shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(C) *Emergencies*. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(D) *Failure to comply*. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$25 or more than \$750. Each day that a violation continues shall be considered a separate offense.
(Ord. 1806, passed 2-5-2018)

DEFINITIONS

§ 150.133 GENERAL.

(A) *Scope*. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in § 150.134.

(B) *Interchangeability*. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(C) *Terms defined in other codes*. Where terms are not defined in this code and are defined in the 2015 International Building Code, 2015 International Residential Code, 2015 International Existing Building Code, 2006 International Fire Code, 2015 International Fuel Gas Code, 2015 International Mechanical Code, State of Illinois Plumbing Code, or 2014 National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

(D) *Terms not defined*. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(E) *Parts*. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”
(Ord. 1806, passed 2-5-2018)

§ 150.134 DEFINITIONS.

ANCHORED. Secured in a manner that provides positive connection.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

COMBUSTION AIR. The air provided to fuel-burning equipment including air for fuel combustion, draft hood dilution and ventilation of the equipment enclosure.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The **EASEMENT** shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT. All piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frame, lugs, snigger, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRAFFITI. Any unauthorized inscription, word, figure, or design or collections thereof, which marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

GROUP R. Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered **HABITABLE SPACES.**

HAZARDOUS LOCATION. Any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IGNITION SOURCE. A flame, spark or hot surface capable of igniting flammable vapors or fumes. Such sources include appliance burners, burner ignitions and electrical switching devices.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LIVING SPACE. Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any agent of the owner, manager, contract purchaser, executor, administrator, trustee or guardian of the estate of the owner, person who is in charge, care or control of such premises in which buildings or dwelling units are rented shall be bound to comply with this subchapter and the rules and regulations adopted pursuant thereto to the same extent as if he or she were the owner.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the village.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by the approved pest elimination methods.

PREMISES. The lot, plot or parcel of land, and includes the buildings, structures, and dwelling units thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a dwelling unit are not **SLEEPING UNITS**.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or portion thereof.

TENANT. A person, occupant of leased or rented premises, corporation, partnership or group whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space located on the same lot with a building, structure or use, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations.

YARD, FRONT. A yard extending across the full width of the lot between the front lot line and nearest line or point of the principal building.

YARD, REAR. A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

YARD, SIDE. A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.
(Ord. 1806, passed 2-5-2018)

GENERAL REQUIREMENTS

§ 150.135 GENERAL.

(A) *Scope.* The provisions of this subchapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(B) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this subchapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(C) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
(Ord. 1806, passed 2-5-2018)

§ 150.136 EXTERIOR PROPERTY AREAS.

(A) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(B) *Grading and draining.*

(1) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(2) *Exception.* Approved retention areas and reservoirs.

(C) *Sidewalks and driveways.* All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(D) *Weeds.*

(1) All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers or gardens.

(2) Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with § 150.126 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

(E) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(F) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(G) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(H) *Motor vehicles.*

(1) Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(2) *Exceptions.*

(a) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(b) A vehicle of any type is permitted to undergo major overhaul, including body work, on the premises of a place of business engaged in and licensed to wreck, junk or repair vehicles for a period of time not to exceed 45 days.

(c) A vehicle over 30 years of age kept and registered as an antique vehicle shall be permitted to undergo major overhaul, including body work for a period of time not to exceed 180 days, provided that the owner of the vehicle provides to the village sufficient burden of proof.

(I) *Parking motor vehicles.*

(1) The parking of vehicles on any surface that is not an improved surface in the front or side yard areas of a residential zone district is prohibited. Boats, travel trailers and utility trailers are subject to § 154.059(C).

(2) *Improved surface.* Means an area, excluding a driveway, the surface of which is comprised of a selected materials constructed to a depth sufficient to distribute the weight of a vehicle over such area to preclude deterioration and deflection of the area due to vehicle load, adverse weather, or other conditions.

(J) *Graffiti.* All structures and exterior property shall be kept free from graffiti. The existence of graffiti on building, or on structures, including but not limited to fences or walls located upon any property is declared a nuisance. Where graffiti is found, a notice shall be issued describing the nuisance and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than five days nor more than 14 days after service of such notice. The notice shall also specify clearly that graffiti established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or structure, and that graffiti established on any unpainted masonry or wood surface shall be removed by cleaning so that such unpainted surface is returned.

(Ord. 1806, passed 2-5-2018; Ord. 1825, passed 5-21-2018)

§ 150.137 SWIMMING POOLS, SPAS AND HOT TUBS.

(A) *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and good repair.

(B) *Enclosures.*

(1) Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the fence or barrier shall not allow the passage of a four-inch-diameter (102 mm) sphere. The vertical clearance between grade and the bottom of the fence or barrier shall not exceed two inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the fence or barrier that faces away from the vessel. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released

from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(2) *Exception.* Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

(C) *Barrier.* Where a wall of a dwelling serve as part of barrier, one of the following conditions shall be met: (IRC AG 105.2(9))

(1) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;

(2) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1,372 mm) above the threshold of the door; or

(3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be accepted as long as the degree of protection afforded is not less than the protection afforded by division (C)(1) and (C)(2) described herein.
(Ord. 1806, passed 2-5-2018)

§ 150.138 EXTERIOR STRUCTURE.

(A) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(B) *Unsafe conditions.*

(1) The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with §§ 150.020 through 150.108 of the Swansea Code of Ordinances as required for existing buildings:

(a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(c) Structures or components thereof that have reached their limit state;

(d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects, including tie down devices for manufactured homes;

(f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

(j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(l) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
or

(m) Chimneys, cooling towers, smokestacks and similar appurtenance not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(2) *Exceptions.*

(a) When substantiated otherwise by an approved method.

(b) Demolition of unsafe conditions shall be permitted when approved by the code official.

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(C) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(D) *Premises identification.* Building shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Number shall be a minimum of four inches (102 mm) in height with a minimum stroke width of one-half inch (12.7 mm).

(E) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(F) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(G) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(H) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(I) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(J) *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(K) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(L) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

(M) *Opening limitations.* Required guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere four inches (102 mm) in diameter.

(N) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.

(2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(O) *Insect screens.*

(1) During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(2) *Exception.* Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(P) *Doors.* All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with § 150.163(Q).

(Q) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(R) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(S) *Building security.* Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(1) *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall

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have a minimum lock throw of one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this division (S)(1), a sliding bolt shall not be considered an acceptable deadbolt lock.

(2) *Windows*. Operable windows located in whole or in part with six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(3) *Basement hatchways*. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(T) *Gates*. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.
(Ord. 1806, passed 2-5-2018)

§ 150.139 INTERIOR STRUCTURE.

(A) *General*. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(1) *Unsafe conditions*. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with §§ 150.020 through 150.108 as required for existing buildings:

(a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads and loads effects;

(c) Structures or components thereof that have reached their limit state;

(d) Structural members are incapable of supporting nominal loads and load effects;

(e) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(f) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

(2) *Exceptions.*

(a) When substantiated otherwise by an approved method.

(b) Demolition of unsafe conditions shall be permitted when approved by the code official.

(B) *Structure members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(C) *Interior surfaces.* All interior surfaces, including window and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(D) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(E) *Open risers.* Open risers are permitted provided that the opening between treads does not permit the passage of a four-inch-diameter (102 mm) sphere. (IRC R311.7.5.1)

(F) *Under-stair protection.* Enclosed accessible space under-stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with one-half-inch (12.7 mm) gypsum board. (IRC R302.7)

(G) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition and good repair. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. (IRC R311.7.8)

(H) *Opening limitations.* Required guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere four inches (102 mm) in diameter. (IRC R312.1.3)

(I) *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(J) *Dwelling/garage opening penetration protection.* Openings and penetrations through the walls or ceilings separating the dwelling from the garage shall be in accordance with division (J)(1) through (J)(3) below. (IRC R302.5)

(1) *Opening protection.* Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than one and three-eighths-inches (35 mm) thick, or 20-minute fire-rated doors, equipped with a self-closing device.

(2) *Duct penetration.* Ducts in the garage and ducts penetrating the walls or ceiling separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (0.48 mm) sheet steel or other approved material and shall have no openings into the garage. (IRC R302.5.2)

(3) *Other penetrations.*

(a) Penetrations through the separation required in division (K) below shall be protected as required by division (J)(3)(b) below. (IRC R302.5.3)

(b) At opening around vents, pipes, ducts, cables and wires at ceiling and floor level, with an approved material to resist the free passage of flame and products of combustion. The material filling this annular space shall not be required to meet the ASTM E 136 requirements. (IRC R302.11 item 4)

(K) *Garage ceiling.*

(1) Fire-rated sheathing for garage ceiling beneath habitable rooms shall be installed in accordance with the 2015 International Residential Code.

(2) *Exception.* Not required where an approved certified sprinkler systems is installed.

(L) *Automatic garage door openers.*

(1) Automatic garage door openers, if provided, shall be listed and labeled in accordance with UL 325.

(2) *Note.* Automatic garage door openers must have receptacle, the use of an extension cord is prohibited.

(Ord. 1806, passed 2-5-2018)

§ 150.140 COMPONENT SERVICEABILITY.

(A) *General.* The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(B) *Unsafe conditions.* Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with §§ 150.020 through 150.108 as required for existing buildings:

- (1) Soils that have been subjected to any of the following conditions:
 - (a) Collapse of footing or foundation systems;
 - (b) Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - (c) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - (d) Inadequate soil as determined by a geotechnical investigation;
 - (e) Where the allowable bearing capacity of the soil is in doubt; or
 - (f) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

- (2) Concrete that has been subject to any of the following conditions:
 - (a) Deterioration;
 - (b) Ultimate deformation;
 - (c) Fractures;
 - (d) Fissures;
 - (e) Spalling;
 - (f) Exposed reinforcement; or
 - (g) Detached, dislodged or failing connections.

- (3) Aluminum that has been subject to any of the following conditions:
 - (a) Deterioration;
 - (b) Corrosion;
 - (c) Elastic deformation;
 - (d) Ultimate deformation;
 - (e) Stress or stain cracks;

- (f) Joint fatigue; or
 - (g) Detached, dislodge or failing connections.
- (4) Masonry that has been subjected to any of the following conditions:
- (a) Deterioration;
 - (b) Ultimate deformation;
 - (c) Fractures in masonry or mortar joints;
 - (d) Fissures in masonry or mortar joints;
 - (e) Spalling;
 - (f) Exposed reinforcement; or
 - (g) Detached, dislodged or failing connections.
- (5) Steel that has been subjected to any of the following conditions:
- (a) Deterioration;
 - (b) Elastic deformation;
 - (c) Ultimate deformation;
 - (d) Metal fatigue; or
 - (e) Detached, dislodge or failing connections.
- (6) Wood that has been subjected to any of the following conditions:
- (a) Ultimate deformation;
 - (b) Deterioration;
 - (c) Damage from insects, rodents and other vermin;
 - (d) Fire damage beyond charring;
 - (e) Significant splits and cracks;

- (f) Horizontal shear cracks;
- (g) Vertical shear cracks;
- (h) Inadequate support;
- (i) Detached, dislodged or failing connections; or
- (j) Excessive cutting and notching.

(7) *Exceptions.*

(a) When substantiated otherwise by an approved method.

(b) Demolition of unsafe conditions shall be permitted when approved by the code official.
(Ord. 1806, passed 2-5-2018)

§ 150.141 HANDRAILS AND GUARDRAILS.

(A) *General.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stairs and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1,067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. (IRC R311.7.8)

(B) *Opening limitations.* Required guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere four inches (102 mm) in diameter. (IRC R312.1.3)

(C) *Exception.* Guards shall not be required where exempted by the adopted building code.
(Ord. 1806, passed 2-5-2018)

§ 150.142 RUBBISH AND GARBAGE.

(A) *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

(B) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(1) *Rubbish storage facilities.* The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(2) *Refrigerators.* Refrigerators and similar equipment not operation shall not be discarded, abandoned or stored on premises without first removing the doors.

(C) *Disposal of garbage.* Every occupant of a structure shall dispose of all rubbish garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(1) *Garbage facilities.* The owner of every dwelling shall supply one of the following:

(a) An approved mechanical food waste grinder in each dwelling unit;

(b) An approved incinerator unit in the structure available to the occupants in each dwelling unit; or

(c) An approved leakproof, covered, outside garbage container.

(2) *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 1806, passed 2-5-2018)

§ 150.143 PEST ELIMINATION.

(A) *Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

(B) *Owner.* The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

(C) *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

(D) *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

(E) *Occupant.*

(1) The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

(2) *Exception.* Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

(Ord. 1806, passed 2-5-2018)

§ 150.144 [RESERVED].

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

§ 150.145 GENERAL.

(A) *Scope.* The provisions of this subchapter shall govern minimum conditions and standards for light, ventilation and space for occupying a structure.

(B) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this subchapter.

(C) *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with §§ 150.020 through 150.108 shall be permitted.

(Ord. 1806, passed 2-5-2018)

§ 150.146 LIGHT.

(A) *Habitable spaces.*

(1) Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors not to a court and shall not be included as contributing to the required minimum total window area for the room.

(2) *Exception.* Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

(B) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with the minimum of one footcandle (11 lux) at floors, landings and treads.

(C) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.
(Ord. 1806, passed 2-5-2018)

§ 150.147 VENTILATION.

(A) *Habitable spaces.*

(1) Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum glazed area required in § 150.146(A).

(2) *Exception.* Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(B) *Bathrooms and toilet rooms.*

(1) Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by § 150.147(A), except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(2) *Exception.* This division (B) shall not apply to existing non-conforming buildings or structures.

(C) *Cooking facilities.*

(1) Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

(2) *Exceptions.*

(a) Where specifically approved in writing by the code official.

(b) Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

(D) *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(E) *Clothes dryer exhaust.*

(1) Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instruction.

(2) *Exception.*:Listed and labeled condensing (ductless) clothes dryers.
(Ord. 1806, passed 2-5-2018)

§ 150.148 OCCUPANCY LIMITATIONS.

(A) *Privacy.* Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(B) *Minimum room widths.*

(1) A habitable room, other than a kitchen, shall be a minimum of seven feet (2,134 mm) in any plan dimension. Kitchen shall have a minimum clear passageway of three feet (914 mm) between counterfronts and appliances or counterfronts and walls.

(2) *Exception.* This division (B) shall not apply to existing non-conforming buildings or structures.

(C) *Minimum ceiling heights.*

(1) Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement area shall have a minimum clear ceiling height of seven feet (2,134 mm).

(2) *Exceptions.*

(a) In one- and two-family dwellings, beams or girders spaced a minimum of four feet (1,219 mm) on center and projecting a maximum of six inches (152 mm) below the required ceiling height.

(b) Basement rooms in one- and two-family dwellings constructed after January 1, 1980 occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of six feet eight inches (2,033 mm) with a minimum clear height of six feet four inches (1,932 mm) under beams, girders, ducts and similar obstructions. One- and two-family dwellings constructed prior to January 1, 1980 shall have no minimum ceiling height for basement rooms.

(c) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of seven feet (2,134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of five feet (1,524 mm) shall be included.

(d) Compliance with this division (C) for existing non-conforming buildings or structures shall be at the discretion of the Building and Zoning Director.

(D) *Bedroom and living room requirements.* Every bedroom and living room shall comply with the requirements of division (D)(1) through (D)(6) below.

(1) *Room area.* Every living room shall contain at least 120 square feet (11.2 mm) and every bedroom shall contain a minimum of 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 mm²) of floor area for each occupant thereof.

(2) *Closet.* Bedrooms shall contain at least one closet contain at least nine square feet or an approved wardrobe cabinet.

(3) *Access from bedroom.*

(a) Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

(b) *Exceptions.*

1. Units that contain fewer than two bedrooms.
2. Non-conforming use.

(4) *Water closet accessibility.*

(a) Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(b) *Exception.* Non-conforming use.

(5) *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(6) *Other requirements.* Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of §§ 150.145 through 150.148; the plumbing facilities and water-heating facilities requirements of §§ 150.149 through 150.155; the heating facilities and electrical receptacle requirements of §§ 150.156 through 150.161; and the smoke detector and emergency escape requirements of §§ 150.162 through 150.163.

(E) *Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements:

MINIMUM AREA REQUIREMENTS

<i>SPACE</i>	<i>MINIMUM AREA IN SQUARE FEET</i>		
	<i>1-2 occupants</i>	<i>3-5 occupants</i>	<i>6 or more occupants</i>
Living room ^{a, b} .	120	120	150
Dining room ^{a, b} .	No requirement	80	100
Bedrooms	Shall comply with § 150.148(D)(1)		
For SI: 1 square foot = 0.093 m ² .			
^a . See § 150.148(E)(2) for combined living rooming/dining room spaces.			
^b . See § 150.148(E)(1) for limitations on determining the minimum occupancy area for sleeping purposes.			

(1) *Sleeping area.*

(a) The minimum occupancy area required by the above table shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with division (D) above.

(b) *Exceptions.*

1. Non-conforming use.

2. Manufactured homes.

A. All bedrooms shall have at least 50 square feet of floor area.

B. Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two. (HUD 3280.109)

(2) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of the above table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(F) *Efficiency unit.* Nothing in §§ 150.145 through 150.148 shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7m²). These required areas shall be exclusive of the areas required by division (F)(21) and (F)(3) below.

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

(3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(4) The maximum number of occupants shall be three.

(G) *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. 1806, passed 2-5-2018)

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

§ 150.149 GENERAL.

(A) *Scope.* The provisions of §§ 150.149 through 150.155 shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(B) *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of §§ 150.149 through 150.155.
(Ord. 1806, passed 2-5-2018)

§ 150.150 REQUIRED FACILITIES.

(A) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(B) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
(Ord. 1806, passed 2-5-2018)

§ 150.151 TOILET ROOMS.

(A) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(B) *Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.
(Ord. 1806, passed 2-25-2018)

§ 150.152 PLUMBING SYSTEMS AND FIXTURES.

(A) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(B) *Fixtures clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(C) *Pressure-relief valve.* Boilers shall be equipped with pressure-relief valves with minimum rated capacities for equipment served. Pressure-relief valves shall be set at the maximum rating of the boiler.

Discharge shall be piped to drains by gravity to within 18 inches (457 mm) of the floor or to an open receptor.

(D) *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. (Ord. 1806, passed 2-5-2018)

§ 150.153 WATER SYSTEM.

(A) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Illinois Plumbing Code.

(B) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(C) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenance in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(D) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110° F. (43° C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters, discharge pipe within six inches of floor. (IRC P2803.6)

(E) *Water heaters installed in garages.*

(1) Water heaters having an ignition source shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the garage floor. (IRC P2801.6)

(2) *Exception.* Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant (documentation of certification is required).

(F) *Supply freeze protection.* Water supply system components subject to temperatures below 32° F. (0° C.) shall be equipped with an approved freeze protection device.
(Ord. 1806, passed 2-5-2018)

§ 150.154 SANITARY DRAINAGE SYSTEM.

(A) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(B) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defeats.

(C) *Grease interceptors.* Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewer treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.
(Ord. 1806, passed 2-5-2018)

§ 150.155 STORM DRAINAGE.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.
(Ord. 1806, passed 2-5-2018)

MECHANICAL AND ELECTRICAL REQUIREMENTS

§ 150.156 GENERAL.

(A) *Scope.* The provisions of §§ 150.156 through 150.161 shall govern minimum mechanical and electrical facilities and equipment to be provided.

(B) *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of §§ 150.156 through 150.161.
(Ord. 1806, passed 2-5-2018)

§ 150.157 HEATING FACILITIES.

(A) *Facilities required.* Heating facilities shall be provided in structures as required by this section.

(B) *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in section R303.9 of the International Residential Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

(C) *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a minimum temperature of 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms.

(D) *Installation of materials.* All materials used shall be installed in strict accordance with the standards under which the materials are accepted and approved. In the absence of such installation procedures, the manufacturer's instructions shall be followed. Where the requirements of referenced standards or manufacturer's instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. (IRC G2415.1)

(E) *Room temperature measurement.* The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(Ord. 1806, passed 2-5-2018)

§ 150.158 MECHANICAL EQUIPMENT.

(A) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(B) *Removal of combustion products.*

(1) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

(2) *Exception.* Fuel-burning equipment and appliances which are labeled for unvented operation.

(C) *Clearances.* All required clearances to combustible materials shall be maintained.

(D) (1) Equipment and appliances having ignition source shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor in hazardous locations. For the purpose of this division (D), rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage. (IRC G2408.2)

(2) *Exception.* Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.

(3) *Installation in residential garages.* In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air is taken from the exterior of the garage. (IRC G2408.1)

(E) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(F) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(G) *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. 1806, passed 2-5-2018)

§ 150.159 ELECTRICAL FACILITIES.

(A) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and § 150.160.

(B) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in §§ 150.162 through 150.165. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a minimum rating of 100 amperes.

(C) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(Ord. 1806, passed 2-5-2018)

§ 150.160 ELECTRICAL EQUIPMENT.

(A) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(B) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacles outlets shall have the appropriate faceplate cover for the location.

- (1) Bathrooms within six feet of water source.
- (2) Kitchens within six feet of water source.
- (3) All outside receptacles shall be weatherproof and GFCI.

(C) *Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

(D) *Wiring.* Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.
(Ord. 1806, passed 2-5-2018)

§ 150.161 DUST SYSTEMS.

Dust systems shall be maintained free of obstructions and shall be capable of performing the required function.
(Ord. 1806, passed 2-5-2018)

FIRE SAFETY REQUIREMENTS**§ 150.162 GENERAL.**

(A) *Scope.* The provisions of §§ 150.162 through 150.168 shall govern minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(B) *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or

permit another person to occupy any premises that do not comply with the requirements of §§ 150.162 through 150.168.
(Ord. 1806, passed 2-5-2018)

§ 150.163 MEANS OF EGRESS.

(A) *General.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

(B) *Aisles.* The required width of aisles in accordance with the International Fire Code shall be unobstructed.

(C) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

(D) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(E) *Fire partitions.*

(1) *Opening protection.* Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood doors not less than one and three-eighths-inch (35 mm) in thickness, solid or honeycomb core steel doors not less than one and three-eighths-inch (35 mm) thick, or 20-minute fire-rated doors. (IRC 309.1 2003)

(2) *Floor surfaces.* Garage floor surfaces shall be of approved noncombustible material. (IRC 309.3 2003)

(3) *Separation required.* The garage shall be separated from the residence and its attic area by not less than one-half-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than five-eighths-inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than one-half-inch (12.7 mm) gypsum board or equivalent. (IRC 309.2 2003)

(4) *Duplex*. Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than one-hour fire-resistance rating when tested in accordance with ASTM E 119. Fire-resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing. (IRC 317.1 2003)
(Ord. 1806, passed 2-5-2018)

§ 150.164 FIRE-RESISTANCE RATINGS.

(A) *Fire-resistance-rated assemblies*. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(B) *Opening protective*. Required opening protective shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.
(Ord. 1806, passed 2-5-2018)

§ 150.165 FIRE PROTECTION SYSTEMS.

(A) *General*.

(1) All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in a operable condition at all times in accordance with the 2006 International Fire Code.

(2) *Automatic sprinkler systems*. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

(B) *Smoke alarms*. Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of occupant load at all of the following locations:

(1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(2) In each room used for sleeping purposes.

(3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings and dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(C) *Power source.*

(1) In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

(2) *Exception.* Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

(D) *Interconnection.*

(1) Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R or 1-1 occupancies, the smoke alarms shall be interconnected in such manner that the activation of one alarm will activate all the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(2) *Exceptions.*

(a) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

(b) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

(E) *Carbon monoxide detectors.* Effective January 1, 2007, every Illinois home was required to have at least one carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. Homes that do not rely on the burning of fuel for heat, ventilation or hot water; are not connected to a garage; and are not near a source of carbon monoxide (as determined by the code official) are not required to install carbon monoxide detectors. (Public Act 94-741) (Ord. 1806, passed 2-5-2018)

§ 150.166 LIEN.

(A) Charges for such building removal, repair or alteration including attorney's fees and costs shall be a lien upon the premises.

(B) A bill representing the cost and expense incurred or payable for the service shall be presented to the owner.

(C) If this bill is not paid within 30 days of submission of the bill, a notice of lien for the cost and expenses incurred by the village shall be recorded in the following manner:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the costs and expenses incurred or payable for the service;

(3) The date or dates when said costs and expenses were incurred by the village; and

(4) The lien shall be filed within 60 days after expenditure.

(Prior Code, § 150.125, § 15-706) (Ord. 1466, passed 8-21-2006; Ord. 1806, passed 2-5-2018)

§ 150.167 PAYMENT.

Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the village or person in whose name the lien has been filed and the release shall be filed or recorded in the same manner as filing notice of the lien.

(Prior Code, §150.126, § 15-707) (Ord. 1466, passed 8-21-2006; Ord. 1806, passed 2-5-2018)

§ 150.168 FORECLOSURE OF LIEN.

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the village, after the lien is in effect for 60 days.

(Prior Code, § 150.127, § 15-708) (Ord. 1466, passed 8-21-2006; Ord. 1806, passed 2-5-2018)

§ 150.999 PENALTY.

(A) Any person convicted of a violation of this chapter shall be fined not less than \$25, nor more than \$750, plus costs. Each day that a violation continues after due notice has been served shall be considered a separate offense. (Prior Code, § 15-108)

(B) Any person or entity convicted of a violation of §§ 150.120 through 150.168 of this chapter shall be subject to a fine of not less than \$100, nor more than \$750, for each such offense.

(C) Persons who shall violate a provision of §§ 150.105 through 150.108 of this chapter or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under the provisions of §§ 150.105 through 150.108 of this chapter, shall be guilty of a misdemeanor, punishable by a minimum fine of \$25 and not more than \$750. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Prior Code, § 15-603)

(Ord. 1461, passed 7-17-2006; Ord. 1536, passed 12-1-2008; Ord. 1613, passed 6-6-2011; Ord. 1823, passed 5-7-2018)

CHAPTER 151: MANUFACTURED HOMES

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GENERAL PROVISIONS

§ 151.001 GENERAL APPLICABILITY.

All manufactured and mobile homes, wherever situated within the village, shall conform to the regulations contained in this chapter. For the purposes of this chapter, the terms “manufactured home” and “mobile home” shall be considered to include the other.
(Prior Code, § 18-101)

§ 151.002 COMPLIANCE WITH ZONING CODE.

It shall be unlawful for any person to place or locate a manufactured home on any street, alley or other public place, or on any lot or other area of land within the village, except as provided in Ch. 154 of this code of ordinances and as otherwise permitted by this chapter.
(Prior Code, § 18-102) Penalty, see § 10.99

§ 151.003 DEPENDENT MANUFACTURED HOMES.

No dependent manufactured home, as defined in § 154.019(B) of this code of ordinances, shall be used as a dwelling within any manufactured home park or upon any lot or property located within the village.

(Prior Code, § 18-103) Penalty, see § 10.99

§ 151.004 TRANSFORMATION OF MANUFACTURED HOME.

(A) It shall be unlawful for any person owning or operating a manufactured home park, or any person owning or occupying a manufactured home located in a manufactured home park, to remove or cause to have removed the wheels or any similar transportation device from any manufactured home or otherwise permanently affix it to the ground in a manner which would prevent the ready removal of said manufactured home from the manufactured home park, without first obtaining a permit to do so.

(B) Any alteration to any manufactured home, as above set forth, shall be construed as an attempt to make the manufactured home immobile and remove it from the requirements of provisions regarding manufactured home parks.

(Prior Code, § 18-104) Penalty, see § 10.99

§ 151.005 EMERGENCY PARKING.

No manufactured home shall be parked anywhere in the village, except in accordance with this chapter, Ch. 154 of this code of ordinances and other applicable chapters of this code of ordinances; provided, however, that, emergency parking of manufactured homes for less than 72 hours is permissible, if such parking does not impede or obstruct the normal flow of traffic.

(Prior Code, § 18-105) Penalty, see § 10.99

§ 151.006 SALES AND INSPECTION.

A manufactured home may be parked for inspection and sale on property other than a street, alley or public way, if it otherwise complies with the provisions of this chapter and Ch. 154 of this code of ordinances.

(Prior Code, § 18-106)

§ 151.007 ADDITIONS TO MANUFACTURED HOMES.

(A) No permanent addition shall be built onto or become part of any manufactured home.

(B) Minor alterations shall be permitted in accordance with the following provisions and requirements.

(1) Cabanas, patios or porches shall be permitted to be attached to a manufactured home; provided, they have at least one side open, except for screening from insects.

(2) Structures having an area not exceeding 10% of the total square foot area of the manufactured home shall be permitted to be attached to a manufactured home, and may be entirely enclosed, if used for storage purposes only.

(3) Carports and garages may be constructed as accessory uses to a manufactured home, but shall not be attached.

(4) A building permit shall be required for any such alteration to a manufactured home. (Prior Code, § 18-107) Penalty, see § 10.99

§ 151.008 JACKS AND STABILIZERS.

Jacks or stabilizers may be placed under the frame of a manufactured home to prevent movement on the springs while the manufactured home is parked and occupied. (Prior Code, § 18-108)

§ 151.009 STANDS.

(A) Every manufactured home shall be placed on a stand to provide adequate support therefor.

(B) The stand shall extend the length of the support of the manufactured home and shall consist of either:

(1) A four-inch thick concrete slab;

(2) Eight-inch thick runners a minimum of 24 inches in width; or

(3) Eighteen-inch diameter piers set a minimum of 24 inches deep or through the depth of the fill, whichever is the greater. (Prior Code, § 18-109) Penalty, see § 10.99

§ 151.010 ANCHORS AND TIE DOWNS.

Every manufactured home shall be anchored and tied down in accordance with applicable state regulations.

(Prior Code, § 18-110) Penalty, see § 10.99

§ 151.011 SKIRTING.

Every manufactured home shall be skirted with fire-resistant material. Skirting shall be equipped with an inspection door at least 24 inches wide to allow access to the underside of the home.

(Prior Code, § 18-111) Penalty, see § 10.99

§ 151.012 COMPLIANCE WITH DISTRICT REGULATIONS.

Every manufactured home shall comply with all applicable zoning district requirements, as contained in Ch. 154 of this code of ordinances for the district in which the manufactured home is or shall be located.

(Prior Code, § 18-112) Penalty, see § 10.99

§ 151.013 DISPLAY OF TITLE.

All manufactured homes shall display a certificate of title in accordance with the instructions of the Secretary of State.

(Prior Code, § 18-113) Penalty, see § 10.99

§ 151.014 STATE REQUIREMENTS.

Except where they conflict with the provisions of this chapter, the Mobile Home Park Act, 210 ILCS 115/1 et seq., (Public Act No. 77-1472), the Mobile Home Tie Down Act, 210 ILCS 120/1 et seq., (Public Act No. 81-587) and the *Rules and Regulations for Mobile Home Parks*, as approved by the State Department of Public Health, shall be applicable to mobile and manufactured homes within the corporate limits of the village.

(Prior Code, § 18-114)

§ 151.015 AGE OF MANUFACTURED HOMES.

(A) Prior to the placement (or replacement) of any and all mobile homes within the village limits, a permit must be obtained from the government center office and the site for the mobile home must be inspected by the Code Administrator to ensure compliance with lot size regulations contained herein.

(B) Mobile homes presently within the village that are over ten years of age are not prohibited at their present location.

(C) Any new mobile home brought into the village must have a shingled roof along with siding that is not a metal type of material. Any current non-conforming mobile home shall not be moved to another location within the village, effective as of the date of this section.

(D) Any mobile home brought into the village must be Underwriter's Laboratory and National Electrical Code approved; must be inspected by a qualified electrician approved by the village; and must be set up, hooked up to the village utilities and be inspected and ready for occupancy within 45 days from the time the mobile home is brought into the village. Otherwise, the mobile home must be removed from the village. The village will provide no services until the inspection has been completed.

(E) No mobile home shall be located in the village unless the unit has the National Manufacturers Housing Construction and Safety Standard Metal seal affixed thereto.

(F) Existing mobile homes located within the village limits, at the date of the adoption of this section are considered a non-conforming use at their present location. All replacements or new mobile homes located with the village limits must meet all requirements of this section.

§ 151.016 RECREATIONAL VEHICLE IN MANUFACTURED HOME PARKS.

(A) (1) The applicant shall apply for a special use permit in accordance with § 154.213 of this code. Incomplete applications and site plans will not be considered. The Administrator and/or Planning Commission may require the applicant to submit any additional information or material which is deemed necessary for an adequate review of the application.

(2) No RV park shall be established if below two acres and if the average density is less than or equal to five spaces per acre.

(3) The minimum area of an RV space shall be 1,000 square feet; provided, tent areas shall have no minimum space size.

(B) All RVs, together with their additions, and appurtenant structures, accessory structures, and other structures on the site (excluding fences) shall observe the following setback requirements (excluding any hitch or towing fixture):

(1) There shall be a minimum distance of five feet between an individual RV unit and an adjoining interior RV park street.

(2) There shall be a minimum distance of five feet between an RV unit and the property line.

(3) There shall be a minimum distance of ten feet between RV units, and between an RV unit and unattached structures.

MANUFACTURED HOME PARK LICENSE AND PERMIT REQUIREMENTS

§ 151.030 PURPOSE.

The purpose of this subchapter is to provide regulations for the creation, licensing and maintenance of manufactured home parks. Although “lots” in a manufactured home park may not be classified as “lots of record”, for the purpose of establishing bulk/area regulations, all manufactured home parks shall be developed in a manner so that zoning lots are designated for each manufactured home. For the purpose of enforcement, see the restrictions in § 154.078(D) of this code of ordinances.

(Prior Code, § 18-201)

§ 151.031 MANUFACTURED HOMES PARKS.

(A) A manufactured home dwelling may be used as a residence for one family in any park expressly designed and intended for the exclusive use of manufactured homes.

(B) Any manufactured home placed or otherwise located on a lot in such park shall comply with all applicable requirements of Ch. 154 of this code of ordinances.

(C) Not more than one manufactured home dwelling shall be permitted on any lot.

(D) Plans for the development of any manufactured home park, which are submitted to the village for review and approval, shall comply to the procedures, standards of design and required improvements, all as contained in Ch. 153 of this code of ordinances.

(Prior Code, § 18-202)

§ 151.032 ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

(A) No person shall establish, maintain, conduct or operate a manufactured home park after the adoption of this subchapter without first obtaining a license therefore from the Village Clerk.

(1) Such licensee shall expire at midnight on April 30 of each year.

(2) Such license shall be renewed from year to year upon payment of the annual license fee herein provided.

(3) All licenses to operate a manufactured home park shall be prominently displayed in the office of the manufactured home park.

(4) All licenses issued under this subchapter shall be nontransferable without the written consent of the Board of Trustees of the village.

(B) In addition to the application and permit fees provided herein, the licensee shall pay the Village Clerk, on or before April 30 of each year, an annual license fee of \$50.

(C) The Code Administrator may cause to be issued a revised license for additional manufactured home lots when they are to be occupied by the end of the license year; provided that, such additional lots have been inspected and approved, in writing, by the inspection officers and further provided that when applicable, the requirements of § 151.064 of this chapter have been complied with.

(Prior Code, § 18-203)

§ 151.033 PERMIT TO CONSTRUCT OR ALTER.

(A) No person shall construct or make alterations to a manufactured home park without first obtaining a permit.

(B) All permits to construct, and all permits to make alterations therein, shall be prominently displayed in the office of the manufactured home park.

(C) An application for a permit to construct a manufactured home park or to make alterations therein shall be filed in accordance with the applicable provisions set forth in Ch. 154 of this code of ordinances.

(D) In addition to the documents and information required by Ch. 154 of this code of ordinances, the applicant shall submit with the application the following materials:

(1) The full name and address of the applicant or applicants, or names and addresses of each partner if applicable or the names and addresses of the officers if the applicant is a corporation and the present and last occupation of the applicant at the time of filing of the application;

(2) The location and legal description of the tract of land upon which it is proposed to operate and maintain a manufactured home park;

(3) Proposed and existing facilities at the manufactured home park for sewage, garbage, waste disposal, water supply, fire protection and for a sanitary community building, if provided; or the proposed alterations therein and maintenance thereof;

(4) The proposed method of lighting the structures and land upon which the manufactured home park is to be located;

(5) The plot plans of the manufactured home park, building plans and specifications for existing buildings and facilities, or the plans and specifications for new buildings and facilities for the proposed alterations in existing facilities, all as may be required by the provisions of this chapter and the rules and regulations of the State Department of Public Health; and

(6) (a) An affidavit of the applicant or applicants as to the truth of the matters contained in the application shall be attached thereto. Each application shall be accompanied by an application fee as set forth in Ch. 154 of this code of ordinances.

(b) Each application fee shall be paid to the Village Clerk by a separate certified check or United States money order in the amount of the application fee; the application fee, once paid to the Village Clerk, shall not be refunded.

(E) The Zoning Administrator shall promptly transmit said application, together with any advice he or she may wish to offer to the Planning and Zoning Board.
(Prior Code, § 18-204)

§ 151.034 REQUIRED INSPECTIONS.

(A) The following inspections shall be performed by the village officers indicated prior to the approval of any license or permit to construct or alter any manufactured home park in the village.

(1) The Plumbing Inspector shall inspect the sewage and water facilities for any manufactured home park to assure compliance with §§ 151.058, 151.059 and 151.060 of this chapter.

(2) The Code Administrator, or his or her deputy, shall inspect all electrical and structural improvements required by §§ 151.057, 151.061, 151.062 and 151.063 of this chapter.

(3) The Village Engineer shall inspect all site locations and layouts and all street improvements and lighting arrangements required by this subchapter.

(B) Upon completion of the required inspections, the above officers, who may be referred to herein as “inspection officers”, shall report their findings to the Village Clerk.
(Prior Code, § 18-205)

§ 151.035 REJECTION OF APPLICATION.

(A) If the application for a license is rejected by the inspection officers or the Planning and Zoning Board, the reason or reasons therefor shall be stated.

(B) If the objections contained therein can be corrected, the applicant may amend his or her application and re-submit it for approval.
(Prior Code, § 18-206)

§ 151.036 AMENDMENT OF SITE PLAN.

(A) If a permit to construct a manufactured home park has been issued, no change in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, or change in the plot plan shall be made without first making written application to the Planning and Zoning Board and receiving a written permit therefrom.

(B) Such application shall be made in accordance with the applicable provisions of Ch. 154 of this code of ordinances.

(C) A fee amounting to \$25, plus \$1 per manufactured home space or lot, shall accompany each application for a permit to alter such manufactured home park.

(D) No application fee shall be required to accompany the application for a permit to alter a manufactured home park where such alteration involves only a reduction in the number of manufactured home lots or spaces to a number less than that for which the manufactured home park is currently licensed.

(E) Such change or changes shall comply with all safety and sanitary codes, building codes, zoning codes and rules and regulations of the State Department of Public Health, as all are applicable thereto.
(Prior Code, § 18-207)

§ 151.037 INSPECTION AND LICENSING REQUIREMENT.

(A) (1) If a permit to construct a manufactured home park has been issued, the applicant, upon completion thereof, shall notify the Code Administrator. The inspections required by § 151.059 of this chapter shall then be performed within the manufactured home park, to determine whether the applicant has complied with the provisions of this chapter, Ch. 154 of this code of ordinances and any other applicable chapters or rules and regulations.

(2) If the inspection officers find the manufactured home park constructed in accordance with the accepted application and the codes of the village, the Village Clerk shall issue the license.

(B) (1) The inspection officers named above are hereby authorized to enter upon the premises of any existing manufactured home park or any proposed manufactured home park for which a permit or license has been issued at any reasonable time without further authorization, in order to inspect the premises and perform the duties as provided for herein.

(2) The inspection officers shall inspect, at least once per year, each manufactured home park licensed under the provisions of this chapter to determine the compliance thereto and shall note and shall act upon each violation.
(Prior Code, § 18-208)

§ 151.038 REVOCATION OR SUSPENSION OF LICENSE.

(A) Any license granted hereunder shall be subject to revocation or suspension by the inspection officers named herein; provided, however, that, the inspectors shall first serve or cause to be served upon the licensee, a written notice which shall specify any alleged violations of this chapter, Ch. 154 of this code of ordinances or any other applicable ordinance or code of the village, or any rules or regulations promulgated by the Department pertaining thereto.

(B) The notice shall require the licensee to remove or abate such condition specified in the notice, within five days or within a longer period of time as may be allowed by the inspector.

(C) If the licensee fails to comply with the terms and conditions of the notice within the specified time, the inspector may revoke or suspend such license. Notice of revocation or suspension shall be served upon the licensee within five days thereafter.
(Prior Code, § 18-209)

§ 151.039 RIGHT TO PUBLIC HEARING.

(A) (1) Any person refused a license or whose license is suspended or revoked shall have the right to a hearing before the Board of Trustees.

(2) A written notice of a request for such hearing shall be served upon the Board of Trustees within 30 days of such refusal of a permit to construct or alter, or refusal of a license, or suspension or revocation thereof.

(B) (1) The public hearing shall be conducted by the President of the Board of Trustees.

(2) The President may compel by subpoena, or subpoena duces tecum, the attendance and testimony of witnesses and the production of books and papers, and shall administer oaths to witnesses.

(3) The President shall give written notice of the time and place of hearing by registered mail to the licensee or applicant, not less than 15 days, nor more than 30 days, prior to such hearing.

(C) (1) The applicant or licensee may appear in person, by counsel or by duly-authorized agent.

(2) At said hearing, the applicant or licensee shall be afforded an opportunity to present all relevant evidence in support of his or her application for license or renewal of license or in resistance to the revocation thereof.

(D) (1) In the event of the inability of any party or the Board of Trustees to procure the attendance of witnesses to give testimony or produce books and papers, such party or the Board of Trustees may take the testimony of said witness by deposition as provided for by the State Code of Civil Procedure.

(2) All testimony taken at the hearing shall be reduced to writing and all such testimony and other evidence introduced at the hearing shall be a part of the official record.

(E) (1) The Board of Trustees shall make findings of fact in such a hearing and shall render its decision within 30 days after the termination of the hearing, unless additional time is required for proper disposition of the matter.

(2) The Board of Trustees shall give written notice of its decision by registered mail to the licensee or applicant not more than 15 days after the Board of Trustees renders its decision.

(F) Technical errors in the proceedings before the Board of Trustees, or their failure to observe the technical rules of evidence, shall not constitute grounds for the reversal of any administrative decision unless it appears to the court that such error or failure materially affected the rights of any party, and resulted in substantial injustice to the party.

(Prior Code, § 18-210)

§ 151.040 CONTINUING COMPLIANCE WITH REGULATIONS.

The person to whom a permit or license for a manufactured home park is issued shall, at all times, operate the park in compliance with this chapter and regulations issued thereunder and shall provide supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.

(Prior Code, § 18-211)

§ 151.041 ENFORCEMENT.

(A) (1) Except as otherwise provided in this chapter, the Code Administrator, or his or her deputy, shall administer and enforce this chapter, including the receiving of applications, the inspection of premises and the issuing of building and other permits and certificates of occupancy.

(2) No building or other permit or certificate of occupancy shall be issued by the Building Commission, except where the provisions of this chapter have been complied with.

(B) Whenever any construction, alteration or other activity is being conducted in violation of the provision of this chapter, or in the case of any other violation of this chapter, the Code Administrator may order the activity stopped by notice in writing served upon any person engaged in or causing such work or activity to be performed, and any such person shall forthwith stop such activity until authorized by the Code Administrator to proceed with the activity.

(C) (1) Whenever a violation of this chapter occurs, any person may file a complaint with the village.

(2) Such action shall not limit other remedies available with or without the issuance of a stop order as above provided.

(3) The Code Administrator, or authorized representative, may issue or serve a summons, citation or other process for any violation and may prosecute a violator therefor in a court of competent jurisdiction.

(Prior Code, § 18-212)

MANUFACTURED HOME PARK DESIGN STANDARDS

§ 151.055 SITE LOCATION.

(A) Each manufactured home park licensed or to be constructed under the provisions of this chapter shall be constructed, operated and maintained in accordance with the requirements of this subchapter.

(B) Every manufactured home park shall be located on a well drained site and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or the water supply in the immediate vicinity of the site.

(C) Manufactured home parks shall be made free from marshes, swamps or other potential breeding places for insects or rodents.

(D) Park sites shall not be subject to flooding, fire or safety hazards and shall not be exposed to nuisances.

(Prior Code, § 18-301)

§ 151.056 SITE LAYOUT.

(A) The arrangement of manufactured homes within the manufactured home park shall comply to the applicable provisions of Ch. 154 of this code of ordinances, including the area/bulk restrictions contained therein.

(B) (1) All driveways or accessways providing ingress and egress for the manufactured home park, between the out-boundary property line of the manufactured home park and the improved surface of any public road, shall be constructed in accordance with the provisions and requirements of Ch. 153 of this code of ordinances.

(2) Driveways or accessways within a manufactured home park shall have an all-weather surface.

(3) All driveways or accessways within the manufactured home park, established after the effective date of this chapter, shall be not less than 24 feet in width bounded by a concrete curb and gutter not less than six inches in thickness.

(C) All manufactured homes shall be placed on a manufactured home stand constructed of concrete of at least five-bag mix and not less than four inches in thickness. In addition, all manufactured home stands shall be at least ten feet wide by 40 feet in length.

(Prior Code, § 18-302)

§ 151.057 SERVICE BUILDINGS AND REQUIREMENTS.

(A) A convenience service building providing laundry facilities or office and storage accommodations may be constructed in a manufactured home park.

(B) If such building and facilities are provided, however, the following regulations shall apply.

(1) Such buildings shall be located at least 15 feet from any manufactured home space.

(2) The owner shall comply with all building codes, electrical codes, plumbing codes, mechanical codes and Ch. 154 of this code of ordinances, as adopted by the village.

(Prior Code, § 18-303)

§ 151.058 WATER SUPPLY.

(A) Water of safe, sanitary quality under pressure capable of furnishing a minimum of 200 gallons per day per home space shall be provided in each manufactured home park.

(B) The number of manufactured home spaces to be occupied in the manufactured home park shall be limited by the quantity of the water available to supply each manufactured home with the minimum requirements.

(C) Each manufactured home space shall be provided with individual tap and individual water meter and each tap shall protrude not less than four inches above the ground and the supply main shall not be less than four inches in diameter.

(D) The plans and specifications of the water distribution system shall be approved by the State Department of Public Health.

(E) Where an approved public supply of water is available, connection shall be made thereto and its supply shall be used exclusively.
(Prior Code, § 18-304)

§ 151.059 SEWAGE DISPOSAL.

(A) (1) Each manufactured home shall be served by a central sewage collection system and each manufactured home shall be provided with at least a four-inch sewer connection.

(2) The sewer connection shall be provided with suitable fittings so that a water-tight, self-draining connection can be made between the manufactured home and the sewer connection.

(3) Each individual manufactured home connection shall be so constructed so that they can be closed when not linked to the manufactured home, and shall be so trapped as to prevent any escape of odor or gas.

(B) No water or waste shall be allowed to fall to the ground from a manufactured home.

(C) The plans and specifications of the sewage collection system shall be approved by the State Department of Public Health.

(D) When an approved public sewage system is reasonably available, connection shall be made thereto and said public system shall be used exclusively.

(E) (1) An independent sewage system to serve the manufactured home park shall be permitted only after express approval has been granted in writing by the Village Board of Trustees, and only if the plans and specifications for the sewage system have been approved by the State Department of Public Health.

(2) No septic tank system shall be approved.
(Prior Code, § 18-305)

§ 151.060 PLUMBING REGULATIONS.

All plumbing in the manufactured home park shall comply with the plumbing codes and regulations as established by the state and shall be inspected and approved by the Village Engineer.
(Prior Code, § 18-306)

§ 151.061 REFUSE DISPOSAL AND PEST CONTROL.

(A) (1) The storage, collection and disposal of refuse in the manufactured home park shall be so managed as to create no health hazard, rodent harborage, insect breeding area, accident hazard or air pollution.

(2) All refuse shall be stored in fly-tight, water-tight, rodent-proof containers which shall be provided in sufficient number and capacity to accommodate all refuse from the manufactured home park.

(3) Satisfactory container racks or holders shall be provided at permanent locations convenient to manufactured home spaces in areas appropriately screened.

(4) Incinerators shall not be permitted.

(5) Methods of storage, collection and disposal shall comply with the rules and regulations set forth by the State Department of Public Health.

(B) (1) Adequate insect and rodent control measures shall be employed.

(2) All buildings and structures shall be fly- and rodent-proof.

(3) Rodent harborages shall not be permitted to exist in the park.
(Prior Code, § 18-307)

§ 151.062 LIQUID AND GAS FUEL PIPING AND STORAGE.

(A) All piping from outside fuel storage tanks or cylinder to heating or cooking units in manufactured homes shall be not less than standard weight, wrought iron or steel pipe, or brass or copper pipe of iron size and shall be permanently installed and securely fastened in place.

(B) All such fuel lines shall be provided with a stop cock at the outlet of the fuel container and another stop cock just before the fuel line enters the manufactured home.
(Prior Code, § 18-308)

§ 151.063 ELECTRICAL DISTRIBUTION AND SERVICE.

(A) Underground electrical lines shall be at least 24 inches below ground surface and at least one-foot radial distance from sewer, water, gas or communications lines. If overhead power lines are installed, they shall be at least 18 feet above streets or roads. A minimum horizontal clearance of at least three feet shall be provided between overhead lines and any structure.

(B) Electrical outlets for each individual manufactured home space shall be provided.

(1) No connected electrical extension cord shall lie on the ground or be suspended less than seven feet from the ground above sidewalks or pathways.

(2) All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with the applicable codes and regulations of the village.

(C) All park streets shall be lighted with an average illumination of at least 150 watts every 150 feet, with additional lighting at potentially hazardous locations, such as park entrances, streets and walkways, or steps.

(Prior Code, § 18-309)

§ 151.064 MANUFACTURED HOME SPACE; MINIMUM SIZE.

The minimum size of a manufactured home space shall be as provided in Ch. 154 of this code of ordinances.

(Prior Code, § 18-310)

§ 151.065 SPEED LIMIT.

The manufactured home park management shall install and enforce a ten mph speed limit within the manufactured home park.

(Prior Code, § 18-311)

§ 151.066 ON-STREET PARKING.

On-street parking shall be limited to guests visiting the park.

(Prior Code, § 18-312)

§ 151.067 PUBLIC HAZARDS.

Automobiles which are not in operating condition, and junk, trash or other refuse as would create a health or safety hazard, shall not be permitted to be maintained in any manufactured home park and shall promptly be removed by the owner, or licensee of the park.

(Prior Code, § 18-313)

§ 151.068 MAINTENANCE OF PARK FACILITIES.

The management of every manufactured home park shall assume full responsibility for maintaining in good repair and condition all roadways and accessways, and all sanitary and safety appliances in the park and shall promptly bring such action as is necessary to prosecute or eject from the park any person or persons who willfully and maliciously damage such appliances, or any person or persons who fail to comply with the regulations of this chapter.
(Prior Code, § 18-314)

MANUFACTURED HOME RESIDENTIAL SUBDIVISION**§ 151.080 PURPOSE AND INTENT.**

The manufactured home residential subdivision is primarily intended to provide areas suitable for the placement of manufactured homes on individual and privately-owned lots.
(Prior Code, § 18-401)

§ 151.081 INCORPORATION OF SUBDIVISION CODE.

The standards, requirements, terms and procedures contained in Ch. 153 of this code of ordinances are hereby incorporated by reference herein. Every manufactured home residential subdivision shall comply with all of the requirements of Ch. 153 of this code of ordinances.
(Prior Code, § 18-402)

§ 151.082 ADDITIONAL REQUIREMENTS.

(A) In addition to compliance with Ch. 153 of this code of ordinances, as provided in § 151.081 of this chapter, every manufactured home residential subdivision shall also comply with the provisions of §§ 151.062 and 151.063 of this chapter.

(B) Every manufactured home located within a manufactured home residential subdivision shall comply with the requirements of §§ 151.001 through 151.015 of this chapter.
(Prior Code, § 18-403)

CHAPTER 152: FLOODPLAINS

Section

- 152.01 Title
- 152.02 Purpose
- 152.03 Definitions
- 152.04 Base flood elevation
- 152.05 Duties of the Code Administrator
- 152.06 Development permit
- 152.07 Preventing increased flood heights and resulting damages
- 152.08 Protecting buildings
- 152.09 Subdivision and other development requirements
- 152.10 Variances
- 152.11 Disclaimer of liability
- 152.12 Abrogation and greater restrictions

- 152.99 Penalty

§ 152.01 TITLE.

This chapter shall be known and cited as the “Swansea Floodplain Code”.
(Prior Code, § 17-101)

§ 152.02 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2, in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To promote and protect health, safety and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) To make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Prior Code, § 17-102)

§ 152.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year. The **BASE FLOOD** is also known as the **100-YEAR FLOOD**. The base flood elevation at any location is as defined in § 152.04 of this chapter.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BUILDING. A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes and prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

CRITICAL FACILITY. Any public or private facility, which if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools and toxic waste treatment, handling and storage facilities.

DEVELOPMENT.

(1) Any human-made change to real estate including:

(a) Construction, reconstruction, repair, placement of a building or any addition or structural alteration to a building;

(b) Substantial improvement of an existing building;

- (c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- (d) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (e) Construction or erection of levees, dams, walls or fences;
- (f) Drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;
- (g) Storage of materials including the placement of gas and liquid storage tanks; and
- (h) Channel modifications or any other activity that might change the direction, height or velocity of flood or surface waters.

(2) **DEVELOPMENT** does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing and similar practices that do not involve filling, grading or construction of levees.

FEMA. Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.

FLOOD FRINGE. The portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community.

FLOODPLAIN and **SPECIAL FLOOD HAZARD AREA (SFHA).** Those lands within the jurisdiction of the village that are subject to inundation by the base flood. The **FLOODPLAINS** of the village are generally identified as such on the “Flood Insurance Rate Map of St. Clair County and Incorporated Areas”, prepared by the Federal Emergency Management Agency and dated 11-5-2003. The **FLOODPLAINS** of those parts of the unincorporated county that are within the extraterritorial jurisdiction of the village or that may be annexed into the village are generally identified as such on the Flood Insurance Rate Map prepared for the county by the Federal Emergency Management Agency and dated 11-5-2003. **FLOODPLAIN** also includes those areas of known flooding as identified by the village.

FLOOD-PROOFING. Any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOOD-PROOFING CERTIFICATE. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood-proofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood plus one foot of freeboard at any given location in the floodplain. Note: NFIP regulations require protection to or above the base flood elevation. One foot of freeboard is recommended by IDOT/DWR. A municipality may use higher freeboard requirements if it desires.

FLOODWAY. The portion of the floodplain required to store and convey the base flood. The **FLOODWAY** for the floodplains of Richland Creek, Wolf Branch Creek and Catawba Creek shall be as delineated on the countywide flood insurance rate map of the county prepared by FEMA and dated 11-5-2003. The **FLOODWAYS** for each of the remaining floodplains of the village, the extraterritorial jurisdiction of the village that may be annexed into the village, shall be according to the best data available from federal, state or other sources.

IDOT/OWR. Illinois Department of Transportation/Office of Water Resources.

MANUFACTURED HOME. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

NFIP. National Flood Insurance Program.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA (SPECIAL FLOOD HAZARD AREA). See definition of **FLOODPLAIN**.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the building to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred, regardless of the actual repair work performed. Costs associated with volunteer labor and materials shall be estimated and counted toward the restoration costs.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, addition, structural alteration or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started. **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or the state's Register of Historic Places.

TRAVEL TRAILER or **RECREATIONAL VEHICLE**. A vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less in area;
- (3) Designed to be self-propelled or permanently towable by any vehicle; and

(4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

(Prior Code, § 17-103)

§ 152.04 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is the base flood. The best available base flood elevation data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the Federal Emergency Management Agency for approval prior to any development of the site.

(B) The base flood elevation for each of the floodplains of Richland Creek, Swansea Creek, Wolf Branch Creek and Catawba Creek within the village shall be as delineated on the 100-year flood profiles in the "Countywide Flood Insurance Study of St. Clair County", prepared by FEMA and dated 11-5-2003.

(C) (1) The base flood elevation for the remaining floodplains within the village, delineated as an "A Zone" on the flood insurance rate map of the county, shall be according to the best data available from federal, state or other sources.

(2) Should no other data exist, an engineering study must be financed to determine base flood elevations.

(3) The base flood elevation for each of the floodplains delineated as "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the flood insurance rate map of the county.

(D) The base flood elevation for the floodplains of those parts of the unincorporated county that are within the extraterritorial jurisdiction of the village, or that may be annexed into the village, shall be as delineated on the 100-year flood profiles of the flood insurance study of the county prepared by the Federal Emergency Management Agency.

(Prior Code, § 17-104)

§ 152.05 DUTIES OF THE CODE ADMINISTRATOR.

(A) The Code Administrator shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the village meet the requirements of this chapter.

(B) Specifically, the Code Administrator shall:

- (1) Process development permits in accordance with § 152.06 of this chapter;
- (2) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 152.07 of this chapter;
- (3) Ensure that the building protection requirements for all buildings subject to § 152.08 of this chapter are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or flood-proof certificate;
- (4) Assure that all subdivisions and annexations meet the requirements of § 152.09 of this chapter;
- (5) If a variance is requested, ensure that the requirements of § 152.10 of this chapter are met and maintain documentation of any variances granted;
- (6) Inspect all development projects and take any and all actions outlined in § 152.99 of this chapter as necessary to ensure compliance with this chapter;
- (7) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;
- (8) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (9) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;
- (10) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;
- (11) Notify IDNR/OWR and any neighboring communities prior to alteration or relocation of a watercourse;
- (12) Perform site inspections to ensure compliance with this code and make substantial damage determinations for structures within the floodplain; and

(13) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
(Prior Code, § 17-105)

§ 152.06 DEVELOPMENT PERMIT.

(A) *General.* No person, firm, corporation or governmental body, not exempted by state law, shall commence any development in the floodplain without first obtaining a development permit from the Code Administrator. The Code Administrator shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(B) *Application documents.* The application for development permit shall be accompanied by:

- (1) Drawings of the site, drawn to scale showing property line dimensions;
- (2) Existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) The location and dimensions of all buildings and additions to buildings;
- (4) The elevation of the lowest floor (including basements) of all proposed buildings subject to the requirements of § 152.07 of this chapter; and
- (5) Costs of the project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(C) *Elevation comparisons.*

(1) Upon receipt of an application for development permit, the Code Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to have been higher than the base flood elevation as of the date of the site's first flood insurance rate map identification is not in the floodplain and therefore not subject to the requirements of this chapter.

(2) Conversely, any land shown to be below the base flood elevation and which is hydraulically connected to the flooding source, but not shown on the FIRM, shall be subject to the provisions of this code. The Code Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

(3) Note: although survey data may show the development site to be entirely above the base flood elevation, a letter of map amendment (LOMA) will still be required to remove the site from the mapped floodplain for insurance requirements.
(Prior Code, § 17-106)

§ 152.07 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within the floodway identified on the Flood Insurance Rate Map of St. Clair County that are within the village's floodplains, and within all other floodplains where a floodway has not been delineated, the following standards shall apply.

(A) Except as provided in division (B) below, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement and, therefore, no development permit shall be required:

- (1) Aerial utility crossings meeting the conditions of IDOT/OWR Statewide Permit No. 4;
- (2) Minor boat docks meeting the conditions of IDOT/OWR Statewide Permit No. 5;
- (3) Minor, non-obstructive activities meeting the conditions of IDOT/OWR Statewide Permit No. 6;
- (4) Outfall structures and drainage ditch outlets meeting the conditions of IDOT/OWR Statewide Permit No. 7;
- (5) Underground pipeline and utility crossings meeting the conditions of IDOT/OWR Statewide Permit No. 8;
- (6) Bank stabilization projects meeting the conditions of IDOT/OWR Statewide Permit No. 9;
- (7) Accessory structures and additions to existing residential buildings meeting the conditions of IDOT/OWR Statewide Permit No. 10;
- (8) Minor maintenance and dredging activities meeting the conditions of IDOT/OWR Statewide Permit No. 11;
- (9) Any development determined by IDOT/OWR to be located entirely in a flood fringe area;
- (10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and

(11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13.

(B) Other development activities not listed in division (A) above may be permitted only if:

(1) A permit has been issued for the work by IDOT/OWR (or written documentation is provided that an IDOT/OWR permit is not required); and

(2) Sufficient data has been provided to FEMA when necessary to approve a revision of the regulatory map and base flood elevation.
(Prior Code, § 17-107)

§ 152.08 PROTECTING BUILDINGS.

(A) *Requirements.* In addition to the damage prevention requirements of § 152.06 of this chapter, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building valued at more than \$1,000 or 70 square feet or larger;

(2) Substantial improvements made to an existing building, or repairs made to a substantially damaged building;

(3) Structural alterations made to an existing building that increase the floor area by more than 20%;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);

(5) Installing a travel trailer on a site for more than 180 days per year; and

(6) Repetitive loss to an existing building as defined in § 152.03 of this chapter.

(B) *Alternative methods.* Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporated debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(2) The building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls or other foundation that is permanently open to flood waters;

(b) The lowest floor and all electrical, heating, ventilating, plumbing and air-conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(c) If walls are used, all fully enclosed areas below the base flood elevation shall address hydrostatic pressures by having a minimum of two permanent openings no more than one foot above grade and providing a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;

(d) The foundation and supporting members shall be anchored, designed and certified and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

(e) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(f) Water and sewer pipes, electrical and telephone lines, submersible pumps and other service facilities may be located below the flood protection elevation; provided, they are water-proofed; and

(g) The area below the flood protection elevation shall be used solely for parking or building access and shall not be later modified or occupied as habitable space.

(C) *Manufactured homes, recreational vehicles or travel trailers.* Manufactured homes, recreational vehicles or travel trailers to be installed on site for more than 180 days per year shall meet the following conditions:

(1) Elevated to or above the flood protection elevation; and

(2) Anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the rules and regulations for the State Mobile Home Tie-Down Act, issued pursuant to 77 Ill. Adm. Code 870.

(D) *Non-residential buildings.* Non-residential buildings may be structurally flood-proofed (in lieu of elevation) provided a registered professional engineer certifies that:

(1) Below the flood protection elevation, the structure and attendant utility facilities are water-tight and capable of resisting the effects of the base flood;

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and impact from debris and ice; and

(3) Flood-proofing measures will be operable without human intervention and without an outside source of electricity. Levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this division (D)(3).

(E) *Garages, sheds and the like.* Garages or sheds constructed ancillary to a residential use may be permitted; provided, the following conditions are met:

(1) The garage or shed must be non-habitable;

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;

(3) The garage or shed must be located outside of the floodway;

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot;

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage;

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation;

(7) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area;

(8) The garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet;

(9) The structure shall be anchored to resist flotation and overturning;

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers and the like) shall be stored above the flood protection elevation; and

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(F) *Crawlspaces*. A building may be constructed with a crawlspace located below the flood protection elevation; provided that, the following conditions are met.

(1) The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of flood waters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.

(3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.

(4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point.

(5) An adequate drainage system must be installed to remove flood waters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

(7) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(Prior Code, § 17-108)

§ 152.09 SUBDIVISION AND OTHER DEVELOPMENT REQUIREMENTS.

(A) The Village Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

(1) *Data required*. New subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions shall meet the

damage prevention and building protection standards of §§ 152.07 and 152.08 of this chapter. Any proposal for such development shall include the following data:

(a) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);

(b) The boundary of the floodway when available; and

(c) A signed statement by a registered professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act, 765 ILCS 205/2.

(2) *Health standards.* Public health standards must be met for all floodplain development. In addition to the requirements of §§ 152.07 and 152.08 of this chapter, the following standards apply.

(a) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood-proofed and anchored storage tank and certified by a professional engineer or flood-proofed building constructed according to the requirements of § 152.08 of this chapter.

(b) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(c) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(d) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be water-tight.

(e) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(f) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(B) All new plats recorded must show the location of any floodplains and must be signed, sealed and certified by a state-registered land surveyor as per the requirements of Public Act No. 85-267, 765 ILCS 205/0.01 et seq..
(Prior Code, § 17-109)

§ 152.10 VARIANCES.

(A) *General.* Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Planning and Zoning Board for a variance. The Planning and Zoning Board shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(B) *Requirements for variance.* No variance shall be granted unless the applicant demonstrates that:

- (1) The development activity cannot be located outside the floodplain;
- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;
- (4) There will be no additional threat to public health or safety, or creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities or other public facilities;
- (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) All other required local, state and federal permits have been obtained. (65 ILCS 5/11-13-4 and 5/11-13-5 establishes specific municipal zoning variance criteria.)

(C) *Notification of applicant.*

(1) The Code Administrator shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 152.08 of this chapter would lessen the degree of protection to a building will:

(a) Result in increased premium rates for flood insurance up to \$25 for \$100 of insurance coverage;

(b) Increase the risks to life and property; and

(c) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(2) Note: the standard flood insurance policy permits an insurance adjustor to not pay for damage that was caused by something the owner did which increased the hazard to the property. Section 1316 of the National Flood Insurance Act authorizes local officials to request denial of flood insurance for buildings in violation of local floodplain codes.

(D) *More permissive criteria.* Variances to the building protection requirements of § 152.07 of this chapter requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the state's Register of Historic Places may be granted using criteria more permissive than the requirements of divisions (B)(1) through (B)(5) above.

(Prior Code, § 17-110)

§ 152.11 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by human-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Prior Code, § 17-111)

§ 152.12 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the Village Board of Trustees to fulfill the requirements of the National Flood Insurance Program. However, this chapter does not repeal the original ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Prior Code, § 17-113)

§ 152.99 PENALTY.

(A) Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the Code Administrator may determine that a violation of the minimum standards of this chapter exists. The Code Administrator shall notify the owner in writing of such violation.

(B) If such owner fails, after ten-days' notice, to correct the violation:

(1) The village may make application to the Circuit Court for an injunction-requiring conformance with this chapter or make such other order, as the Court deems necessary to secure compliance with this chapter;

(2) Any person who violates this chapter shall, upon conviction thereof, be fined not less than \$50, nor more than \$750; and

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(C) The Code Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(D) Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Prior Code, § 17-112)

CHAPTER 153: SUBDIVISIONS

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GENERAL PROVISIONS

§ 153.001 TITLE.

This chapter shall be known and cited as the “Swansea Subdivision Code”.
(Prior Code, § 19-101) (Ord. 1700, passed 3-17-2014)

§ 153.002 PURPOSE AND INTENT.

In accordance with Illinois Revised Statutes, this chapter regulates the subdivision and development of land in order to assist in achieving the following specific objectives:

- (A) To preserve, protect and promote the public health, safety and welfare;
 - (B) To implement the village community plan and official map;
 - (C) To provide a pleasant living environment by furthering the orderly layout and development of land;
 - (D) To avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
 - (E) To conserve and increase the value of land, improvements and buildings throughout the village;
 - (F) To preserve the village’s natural beauty and topography to the maximum feasible extent;
 - (G) To protect against injury or damage caused by pollution, storm water runoff or erosion and sedimentation;
 - (H) To provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design and construction of streets and sidewalks;
 - (I) To ensure that the proper installation and maintenance of adequate water mains, sanitary sewers, storm water sewers and other utilities and services; and
 - (J) To ensure that in conservation areas adequate parks and similar facilities can be made available to serve the residence of new developments.
- (Prior Code, § 19-102) (Ord. 1700, passed 3-17-2014)

§ 153.003 JURISDICTION.

This chapter shall be applicable within the corporate limits of the village and within all unincorporated territory located within one and one-half miles of said limits; provided, such territory is not located within the subdivision jurisdiction of another municipality. Jurisdictional boundary lines shall be determined in accordance with 65 ILCS 5/11-12-9.

(Prior Code, § 19-103) (Ord. 1700, passed 3-17-2014)

§ 153.004 INTERPRETATION.

Every provision of this chapter shall be construed liberally in favor of the village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety and welfare.

(Prior Code, § 19-104) (Ord. 1700, passed 3-17-2014)

§ 153.005 CONFLICTING LAWS.

(A) Whenever the requirements of this chapter differ from those of any statute, other lawfully adopted ordinance or regulation, easement, covenant or deed restriction, the more stringent requirement shall prevail.

(B) Thus, in accordance with state, law whenever this chapter imposes higher standards than the county's Subdivision Ordinance, said higher standards shall supersede the county regulations in the unincorporated territory located within the subdivision jurisdiction of the village.

(Prior Code, § 19-105) (Ord. 1700, passed 3-17-2014)

§ 153.006 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no official board member, agent or employee of the village shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

(B) Any suit brought against any official, board member, agent or employee of the village as a result of any act required or permitted in the discharge of his or her duties under this chapter, shall be defended by the Village Attorney until the final determination of the legal proceedings.

(Prior Code, § 19-106) (Ord. 1700, passed 3-17-2014)

Statutory reference:

Local Governmental and Governmental Employees Tort Immunity Act, see 745 ILCS 10/1-101

§ 153.007 RULES OF CONSTRUCTION.

In construing the intended meaning of terminology used in this chapter, the following rules shall be observed.

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in § 153.008 of this chapter; terms not defined in § 153.008 of this chapter shall have the meaning respectively ascribed to them in Ch. 154 of this code of ordinances; if any term is not defined either in § 153.008 of this chapter or in Ch. 154 of this code of ordinances, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The word “shall” is mandatory; the word “may” is discretionary.

(F) All distances shall be measured to the nearest integral foot; six inches or more shall be deemed one foot.

(G) Captions (i.e., titles of sections, divisions and the like) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(H) Reference to sections shall be deemed to include all divisions within that section; but a reference to a particular division designates only that division.

(I) A general terms that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
(Prior Code, § 19-201)

§ 153.008 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Code Administrator appointed by the Mayor to administer this chapter or his or her duly authorized representative.

ALLEY. A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

AMENDMENT. A change in the provisions of this chapter, properly effected in accordance with state law and the procedures set forth herein.

AREA, GROSS. The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

BLOCK. An area of land entirely bounded by streets, highways, barriers or ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless said exterior boundary is a street, highway or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

CENTERLINE.

- (1) The centerline of any right-of-way having a uniform width;
- (2) The original centerline, where a right-of-way has been widened irregularly; and
- (3) The new centerline, whenever a road has been relocated.

CENTERLINE OFFSET. The distance between the centerlines of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

COLLECTOR STREET. A street which carries or is proposed to carry intermediate volumes of traffic from land access streets to minor arterials.

COMMUNITY PLAN. The plan or any portion thereof adopted by the Board of Trustees to guide and coordinate the physical and economic development of the village. The **COMMUNITY PLAN** includes, but is not limited to, plans and programs regarding the location, character and extent of streets and related facilities; public buildings and uses; utilities; schools; residential, commercial or industrial land uses; parks, drainage facilities and the like.

CROSS-SLOPE. The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

CUL-DE-SAC. A short street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turnaround.

CULVERT. A closed conduit, usually exposed on both ends, for the free passage of surface drainage water under a driveway, street, highway, railroad or embankment.

CURB AND GUTTER, INTEGRAL. The rim forming the edge of a street, plus the channel for leading off surface water, constructed of poured concrete as a single facility.

DEDICATE. To transfer the ownership of a right-of-way, parcel of land or improvement to the village or other public entity without compensation.

DEVELOP. To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

DIMENSIONS. Refers to both lot depth and lot width.

DISTRICT, ZONING. A portion of the territory of the village wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of Ch. 154 of this code of ordinances.

EASEMENT. A right to use a portion of another person's real property for certain limited purposes.

ESCROW DEPOSIT. A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

FILL. Earth, gravel, small rock or rubble (not to exceed three inches in diameter) used to build up a piece of ground.

FRONTAGE. The lineal extent of the front (street-side) of a lot.

FRONTAGE ROAD. A minor street, fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

GRADE. The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for **SLOPE**.

IMPROVEMENT PLANS. The engineering plans showing types of materials and construction details for the facilities to be installed in, or in conjunction with, a subdivision.

IMPROVEMENTS. Any street, curb and gutter, sidewalk, drainage ditch, sewer, catchbasin, newly planted tree, off-street parking area or other facility necessary for the general use of property owners in a subdivision.

INLET. A receptacle, located where a street gutter opens into a storm water sewer, designed to retain matter that would not readily pass through the sewer and to allow storm water runoff to enter the sewer.

INTERSECTION. The point at which two or more public rights-of-way (generally streets) meet.

LAND ACCESS STREET. A street serving limited amounts of residential traffic, and used for access to abutting property.

LOT. A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A **LOT** may or may not coincide with a “lot of record”.

LOT, CORNER. A lot having at least two adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

LOT, THROUGH. A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both such lot lines shall be deemed front lot lines.

LOT AREA, GROSS. The area of a horizontal plane bounded by the front, side and rear lines of a lot, but not including any area occupied by the waters of a duly recorded lake or river.

LOT OF RECORD. An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of the county, in accordance with state law.

MAINTENANCE BOND. A surety bond posted by the developer and approved by the village, guaranteeing the satisfactory condition of installed improvements for the two-year period following their dedication.

MAXIMUM DENSITY. A minimum 95% compaction as determined by ASTM Specifications D-698 for clayey materials and a minimum relative density of 75% as determined by ASTM Specifications D2049 for granular materials.

MINOR ARTERIAL. A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic-control devices are usually installed to expedite the safe movement of through traffic.

OFFICIAL MAP. A graphic statement of existing facilities and the capital improvements planned by the village, which require the acquisition of land; such as streets, drainage systems, parks and the like.

PERFORMANCE BOND. A surety bond posted by the developer and approved by the village guaranteeing the installation of required improvements within or in conjunction with a subdivision.

PLANNING AND ZONING BOARD. The Planning and Zoning Board of the village.

PLAT, FINAL. The final engineering and architectural maps, drawings and supporting material indicating the subdivider’s plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

PLAT, PRELIMINARY. Preliminary engineering and architectural maps, drawings and supportive material indicating the proposed layout of a subdivision.

RESERVE. To set aside a parcel of land in anticipation of its acquisition by the village (or other governmental entity) for public purposes.

RESERVE STRIP. A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat, or property deed as land over which vehicular travel is not permitted.

REVERSE CURVE. A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an “S” shape.

RIGHT-OF-WAY, PUBLIC. A strip of land which the owner/subdivider has dedicated to the village or other unit of government for streets, alleys and other public improvements.

SETBACK FRONT. The horizontal distance between the street right-of-way line and the building line. Minimum setback requirements are set forth in Ch. 154 of this code of ordinances.

SEWERAGE SYSTEM, PRIVATE. A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

SIDEWALK. A pedestrian way constructed in compliance with the standards of this chapter generally abutting or near the curb line of the street.

STANDARD SPECIFICATIONS. The *Standard Specifications for Road and Bridge Construction*, prepared by the State Department of Transportation, as adopted and amended by the Department, which are in effect at the time the subdivision is being constructed, and the related highway standards.

STOP WORK ORDER. An order used by the Code Administrator to halt work in progress that is in violation of this chapter.

STORM SEWER. A sewer which carries surface runoff of storm water and subsurface waters.

STREET. A public or private way for motor vehicle travel. The term **STREET** includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

STRUCTURE. Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are **STRUCTURES**, but not all **STRUCTURES** are buildings.

STUB STREET. A street that is temporarily terminated, but that is planned for future continuation.

SUBDIVIDER. Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit to create a subdivision, as defined in this section.

SUBDIVISION. Any division of land into two or more lots, except as set forth in the Plats Act, 765 ILCS 205/0.01 et seq..

SUBDIVISION, MINOR. A division of land into two, but not more than four lots, all of which front upon an existing street, and not involving any new streets, other rights-of-way, easements, improvements or other provisions for public areas and facilities.

TOPOGRAPHY. The relief features or surface configuration of an area of land.

VACATE. To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

VARIATION, SUBDIVISION. A relaxation in the strict application of the design and improvement standards set forth in this chapter.
(Prior Code, § 19-201) (Ord. 1448, passed 4-3-2006; Ord. 1700, passed 3-17-2014)

DESIGN AND IMPROVEMENT STANDARDS

§ 153.025 GENERAL PROHIBITION.

(A) No land within the subdivision jurisdiction of the village, other than land that is specifically exempted from the requirements of the state's Plats Act (765 ILCS 205/0.01 et seq.), shall be subdivided or developed, except in compliance with the regulations of this subchapter and the applicable provisions of state law.

(B) No lot in any subdivision shall be conveyed until:

(1) The final plat of said subdivision has been approved by the Village Board of Trustees and recorded in the office of the County Recorder of Deeds; and

(2) The portion of said subdivision of which the lot is located has been improved in accordance with the requirements of this subchapter or until a performance bond or other security has been posted to assure the completion of such improvements.

(C) No building permit shall be issued to allow construction on any lot conveyed in violation of this section, and any so issued shall be made invalid by said violation.
(Prior Code, § 19-301) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

Statutory reference:

Related provisions, see 65 ILCS 5/11-12-8 and 765 ILCS 205/0.01 et seq.

§ 153.026 GENERAL SUITABILITY FOR SUBDIVISION.

Land which the Board of Trustees determines to be unsuitable for development due to poor drainage, rough topography, adverse soil conditions, flooding potential or other conditions that will likely prove injurious to the inhabitants of the subdivision and/or surrounding areas shall not be subdivided or developed unless adequate plans/methods are formulated to resolve or avoid the problems caused by the adverse land conditions.

(Prior Code, § 19-302) (Ord. 1700, passed 3-17-2014)

§ 153.027 STANDARDS FOR GRADING AND CLEARING.

(A) Grading and clearing necessitated for the construction of roadway and drainage facilities shall be done in such a manner as to assure uniform subgrade support with adequate bearing capacity to properly support the loading/structures to be superimposed.

(B) In order to help achieve this result, the subdivider shall comply with the requirements of this section.

(Prior Code, § 19-303) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.028 CLEARING AND GRUBBING.

Prior to grading within the limits of the right-of-way, the entire area to be affected with improvements (i.e., pavement, water, sewer, drainage and the like) shall be cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation.

(Prior Code, § 19-304) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.029 EMBANKMENTS.

Embankments to be constructed within the roadway right-of-way by the subdivider shall be done in a manner compatible with good road construction practices and in accordance with the following provisions.

(A) Fills shall be constructed in lifts not to exceed eight inches loose and each lift shall be properly compacted to a density not less than 95% of maximum density, as defined.

(B) No wood, trash or other objectionable material shall be placed in fills.

(C) Large clods and excessively wet fill material shall be dished and/or in fills.

(D) Compaction shall be achieved with a roller capable of properly compacting the given type of embankment material; in the case of fine-grained soils, a sheeps-foot roller shall be deemed suitable. (Prior Code, § 19-305) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.030 SUBGRADES.

(A) In areas where embankment is to be placed, the material shall be properly compacted upon to subgrade elevation. In the case of cut section, the subgrade shall be cleared of all unsuitable material, including, but not limited to, vegetation, tree stumps and roots, trash, debris, soft spongy soil and the like for a minimum depth of 18 inches below subgrade elevation.

(B) All replaced material shall be compacted to a density of not less than 95% of the maximum density, as defined.

(C) The upper 12 inches of the entire length of subgrade (cut or fill) shall be lime subsidized in accordance with the provisions in the *Standard Specifications*, as defined, and shall be compacted to at least 95% of maximum standard lab density.

(Prior Code, § 19-306) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.031 COMPACTION VERIFICATION.

(A) The subdivider shall furnish, to the Village Engineer, field compaction tests verifying that proper compaction has been uniformly achieved throughout the embankment and subgrade material.

(B) Such tests shall be performed and certified by a qualified testing lab or engineering firm.

(Prior Code, § 19-307) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.032 EROSION CONTROL.

(A) The design of every subdivision shall be consistent with the natural limitations presented by topography and soil so as to create the least potential for soil erosion. Soil shall be exposed during construction for the shortest feasible period of time.

(B) In addition:

(1) The subdivider shall install temporary erosion control measures to prevent siltation of adjacent streams, roads, private property and the like;

(2) The subdivider shall be expected to incorporate the appropriate permanent devices to prevent long-term erosion and siltation. Such installations may include sediment basins, desilting basins, rip rap, energy dissipaters and the like;

(3) All development and improvements to be made within any subdivision shall comply with any and all municipal, county or state laws, regulations or ordinances relative to soil erosion and sediment control, in so far as they are applicable; and

(4) In the event that siltation occurs onto adjacent roads, private property and the like, cleaning and/or removal shall be completed in accordance with the provisions as set forth in § 135.12 of this code of ordinances.

(Prior Code, § 19-308) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.033 PRESERVATION OF TREES.

Existing vegetation, specifically trees having a diameter of four inches or more when measured at a point 12 inches above the ground, should be retained and protected to the maximum extent consistent with the development of the site.

(Prior Code, § 19-309) (Ord. 1700, passed 3-17-2014)

§ 153.034 STANDARDS FOR LOTS.

The planning and development of lots shall be done in such a manner as to assure compliance with Ch. 154 of this code of ordinances. In order to help achieve this result, every subdivider shall comply with the requirements of this section.

(Prior Code, § 19-310) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.035 MINIMUM LOT SIZE.

(A) All lots in any subdivision within the village shall conform to the minimum lot area and dimension requirements of the zoning district in which said subdivision is located.

(B) All lots in any subdivision outside the village shall conform to the minimum lot area and dimension requirements of the village's zoning district, which is most appropriate, as determined by the Code Administrator.

(C) Land that is under water or reserved for street improvements shall not be counted in determining compliance with minimum lot size requirements.

(D) Every corner and through lot shall be large enough to permit compliance with the zoning district's front setback requirement on every side of the lot that faces a street.

(E) All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels, used for utility easements or dedicated to the village for public purposes.

(F) All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines, except where the Village Engineer has determined that a deviation from this requirement will provide a street and lot design more beneficial to the village.

(G) All side lot lines of lots which front a cul-de-sac shall be at right angles to the centerline of said cul-de-sac until the point at which the centerline meets the center of the cul-de-sac turnaround. Side lot lines beyond that point shall be radial to the center of the cul-de-sac turnaround except where the Village Engineer has determined that a deviation from this requirement will provide a street and lot design more beneficial to the village.

(H) All land to be subdivided shall be divided in such a way that each lot abuts a public street meeting the requirements of §§ 153.038 and 153.039 of this chapter.
(Prior Code, § 19-311) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.036 STREET FRONTAGE REQUIRED.

All land to be subdivided, shall be divided in such a way that each lot abuts a public street meeting the requirements of §§ 153.038 and 153.039 of this chapter.
(Prior Code, § 19-312) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.037 REFERENCE MONUMENTS REQUIRED.

In accordance with An Act to Revise the Law in Relation to Plats, 765 ILCS 205/0.01 et seq., as amended from time to time, reference monuments shall be erected by each subdivider as follows.

(A) *In the field.* Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field at opposite corners of the subdivision.

(B) *At lot corners.*

(1) Every lot corner shall be marked by an iron pin or pipe, at least one-half inch in diameter and not less than 24 inches long, driven into the ground deep enough that they do not protrude above the surface more than one and one-half inches.

(2) No lot in any subdivision shall be sold unless the corners of said lot are marked as specified above at the time of sale.
(Prior Code, § 19-313) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.038 STANDARDS FOR STREETS.

All streets shall be properly integrated with the existing and proposed street system indicated on the village's Official Map, shall be improved in accordance with the specifications contained in the current State Department of Transportation's *Standard Specifications for Road and Bridge Construction*, hereinafter referred to as *IDOT Standard Specifications*, and the provisions of this subchapter, and shall meet the specifications set forth below.

(A) *Minimum right-of-way width.*

- (1) Streets: 50 feet; and
- (2) Alleys: 20 feet.

(B) *Minimum pavement width.*

- (1) Streets: 30 feet;
- (2) Alleys: 18 feet; and
- (3) Both streets and alleys: 5%.

(C) *Maximum grade.* Both streets and alleys: 10%.

(D) *Minimum crown.* Both streets and alleys: three inches.

(E) *Pavement width.* Measurement of pavement width for streets shall be made from back-to-back of the curbs. Measurement of pavement width for alleys, where curbs are not required, shall be from edge-to-edge.

(F) *Grades.* Grades shall conform as closely as possible to the natural topography without exceeding the minimum or maximum standards specified above.

(G) *Building sites.* All streets shall be designed so that as many building sites, as is possible, are at or above street grade.

(H) *Alleys.* Alleys may be provided in single-family residential districts at the option of the developer, but may be required in other districts in the absence of other provisions for service access.

- (1) When provided, alleys shall not intersect with each other or change sharply in alignment.
- (2) Adequate vehicular turnaround space shall be provided at the terminus of every deadend alley.

(I) *Comprehensive strength.*

(1) Every concrete street, curb and gutter hereafter constructed in the village shall have a compressive strength of 4,000 P.S.I. at 28 days.

(2) The subdivider or developer shall provide to the Village Engineer at no expense to the village, concrete tests verifying compressive strength. The number of such tests shall be determined by the Village Engineer. The Village Engineer shall also have the right to request other tests, including air entrainment and slump tests, as he or she deems necessary.

(Prior Code, § 19-314) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.039 PAVEMENT CONSTRUCTION; RIGID.

(A) All rigid pavement shall consist of a minimum of six inches of un-reinforced portland cement concrete over 12 inches of lime stabilized sub-grade, in accordance with the applicable provisions of the *Standard Specifications*, as defined, and the illustrations provided herein. The village may, on a case by case basis, review and approve the use of pavement cross section alternatives including, fiber mesh steel reinforcement, compacted crushed stone and thicker portland cement concrete if, in the opinion of the Village Engineer, traffic volume or type warrants such requirement.

(B) Longitudinal joints shall be constructed, sawed and sealed in accordance with the *Standard Specifications*, and the illustrations included herein in Ch. 154, App. A, of this code of ordinances.

(C) Transverse joint spacing shall not exceed 15 feet and shall be constructed, sawed and sealed in accordance with the *Standard Specifications*, and the illustrations included herein in Ch. 154, App. A, of this code of ordinances.

(D) Construction joints shall be constructed at the end of each day's run or at locations where a "cold" joint will occur due to a delay or interruption in placement operations. All transverse construction joints shall be "tied" with #4 deformed bars, 36 inches long, spaced at 12-inch centers. Construction joints must be at least five feet from a contraction joint.

(E) Traffic shall be restricted on newly poured concrete streets by barricades and appropriate signs for the time period specified below; provided that, the Village Engineer may increase the time period depending upon site location and conditions such as weather:

(1) No traffic shall be permitted for seven days;

(2) Only automobiles and trucks up to one-half ton shall be allowed after seven days; or

(3) All other vehicles shall be allowed after ten days.

(Prior Code, § 19-315) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.040 PAVEMENT CONSTRUCTION; FLEXIBLE.

(A) All flexible pavement shall be constructed of two inches of Class I surface over four inches of Class I binder course over 12 inches of lime stabilized sub-grade in accordance with the *Standard Specifications* and the illustrations provided in Ch. 154, App. A, of this code of ordinances.

(B) Should the Village Engineer or Code Administrator, or the developer's engineer, determine that the village's minimum pavement standards are not adequate for a given condition, including, traffic volume, size of loads, sub-grade support and drainage, the required pavement design shall be determined by the developer's engineer on the basis of current pavement design procedure subject to the approval of the Village Engineer or Code Administrator.

(Prior Code, § 19-316) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.041 CURB AND GUTTER CONSTRUCTION.

(A) All streets, except alleys, constructed after the effective date of this chapter, shall include mountable curb and gutter and/or vertical curb and guttering of portland cement concrete, in accordance with the dimensions depicted herein, IDOT *Standard Specifications* and the dimensions as given in Ch. 154, App. A, of this code of ordinances.

(B) Curb and/or gutter may be constructed either integrally or separately in conjunction with portland cement concrete pavement. If constructed separately, the gutter flag shall be "tied" to portland cement concrete pavement with #4 reinforcing bars at least 30 inches long and spaced at 30-inch centers.

(C) Contraction joints and expansion joints shall be installed in the curb, or curb and gutter, in prolongation with joints in adjacent portland cement concrete pavement or base course, except that dowel bars shall not be required in contraction joints. Contraction joints, when sawed or template formed, shall be sealed in accordance with IDOT *Standard Specifications*.

(D) When curb and gutter is constructed adjacent to flexible pavement, a one-inch expansion joint shall be installed at points of curvature for short-radius curves and at construction joints. Contraction joints shall be placed between expansion joints at distances not to exceed 25 feet.

(E) All expansion joints shall be constructed with a minimum one-inch thick performed expansion joint filler conforming to the cross section of the curb and gutter, and shall be provided with a one and one-fourth inch diameter by 18-inch long, coated smooth dowel bar conforming to standard specifications. The dowel bar shall be fitted with a cap having a inched stop that will provide a minimum one-inch of expansion.

(F) Construction joints constructed in curb and gutter adjacent to portland cement concrete pavement and portland cement concrete base course, shall be provided with #4 deformed steel tie bars

at least 30 inches long, and placed on nine-inch or more centers with a minimum of two bars per joint.

(Prior Code, § 19-317) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.042 RELATIONSHIP TO EXISTING STREETS.

(A) Whenever any subdivision abuts an existing street that is narrower than the standards indicated in this subchapter, the developer shall dedicate sufficient right-of-way on the side abutting the subdivision to permit compliance with those standards at some future date.

(B) Every developer shall, at his or her own expense, improve existing streets within his or her subdivision to the standards imposed herein.

(C) Where a subdivision abuts or contains an existing or proposed minor arterial street, the Board of Trustees may require that access to said street be limited by one of the following means:

(1) Lots be subdivided so that they back onto the minor arterial street and front onto a parallel land access street, thereby creating double frontage lots, and that the developer install screening in a reserve strip along the rear lot lines of such lots;

(2) The developer create a series of cul-de-sacs, U-shaped streets or short loops entered from and generally at right angles to the minor arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the minor arterial; or

(3) The developer create a frontage road, separated from the minor arterial street by a planting strip, but having access thereto at suitable points.

(D) New residential streets shall be planned and laid out to discourage traffic through the subdivision, by avoiding a rigid rectangular street pattern, and by instead utilizing curvilinear streets, cul-de-sacs or U-shaped streets to effect a more desirable street layout and minimize traffic between streets outside the subdivision.

(Prior Code, § 19-318) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.043 DESIGNING BLOCKS.

(A) *Block width.* Wherever practicable, blocks shall be sufficiently wide to accommodate two tiers of lots having the minimum depth required by the applicable zoning district regulations.

(B) *Block length.* No block shall be longer than 1,400 feet, nor shorter than 500 feet; provided, however, that, wherever practicable, blocks along collector streets shall not be less than 1,000 feet in length.

(Prior Code, § 19-319) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.044 DESIGNING INTERSECTIONS.

(A) No more than two streets shall intersect at any one point.

(B) Streets shall be laid out so as to intersect as nearly as possible at right angles.

(1) In no case shall two streets intersect at an angle of less than 75 degrees.

(2) An oblique street shall be approximately at right angles with said intersection for at least 100 feet therefrom.

(C) Proposed new intersections along one side of an existing street shall, wherever practicable, align with any existing intersection on the opposite side of such street.

(1) Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection.

(2) Intersections involving collector or minor arterial streets shall be at least 1,000 feet apart.

(D) Returns at intersections shall be made concentric and shall be rounded by a radius of not less than 20 feet at the right-of-way line, and not less than 30 feet at the back of curb line.

(E) All street intersections shall be built in such a way that whenever practical, the cross-slopes thereon do not exceed 3%.

(F) Where any street intersection will involve earth banks or existing vegetation in a triangular area depicted in Ch. 154, App. A, of this code of ordinances, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way.

(G) Street name signs shall be erected by the developer at all intersections within or abutting any subdivision.

(1) Said signs shall be of embossed steel, U.S. standard street name signs, or the equivalent thereof, and measure six inches by 24 inches with lettering at least four inches high.

(2) All street name signs shall be mounted on two-inch diameter galvanized pipe set in concrete to a depth of at least three feet and extending above the surface to a height of at least seven feet.

(3) The names of new streets shall be significantly different in sound and spelling from the names of existing streets in the village so as to avoid confusion.

(4) A street, which is a continuation of an existing street, shall bear the same name as the existing street.

(H) The developer, at his or her own expense, shall provide street lights at all intersections and at intermittent locations in accordance with the design standards of the local electrical utility company and as approved by the Board of Trustees. Street lights shall be a minimum of 150-watt sodium vapor carriage lights on 18-foot fiberglass poles.

(Prior Code, § 19-320) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.045 DESIGNING CURVES.

(A) Where curvilinear horizontal alignment is utilized for subdivision streets, the minimum centerline radius shall be as indicated below, unless otherwise dictated by site constraints and approved by the Village Engineer:

- (1) Collector street: 150 feet; and
- (2) Alley: 75 feet.

(B) If reverse curves are to be utilized on any collector street or arterial street, the radii of which are less than 300 feet, a tangent at least 100 feet in length shall be introduced between the curves, as depicted in Ch. 154, App. A, of this code of ordinances.

(Prior Code, § 19-321) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.046 DESIGNING DEAD-END STREETS.

(A) *Temporary stub streets.*

(1) Streets shall be so arranged to provide for the continuation of collector streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, efficient provision of utilities and where such continuation is in accord with the village's official map.

(2) If the adjacent property is undeveloped and any street must dead-end temporarily, the right-of-way shall be extended to the property line, a temporary turnabout shall be provided at the terminus and no strip that would prevent connections with future streets shall be reserved.

(B) *Permanent dead-end streets.*

(1) For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to 1,000 feet in length.

(2) The terminus of a permanent dead-end street shall not be closer than 50 feet to the boundary of an adjacent tract.

(3) A cul-de-sac turnaround, having a minimum right-of-way radius of 50 feet and a minimum pavement radius of 45 feet, shall be provided at the end of every permanent dead-end street, as depicted in Ch. 154, App. A, of this code of ordinances.
(Prior Code, § 19-322) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.047 DESIGNING SIDEWALKS.

(A) (1) In an effort to ensure the safety of the walking public, sidewalks shall be required along both sides of streets in all zoning districts. This regulation shall apply to all streets located within and adjacent to a subdivision. Exception: in residential subdivisions with densities of one housing unit, or less, per acre of gross area, sidewalks shall be required on one side of the street only.

(2) No variation from the above requirements shall be granted unless the Village Board, having considered the Planning and Zoning Board's advisory report, determines that, in the area in question, sidewalks are not needed to ensure public safety, or that topographical conditions make the installation of sidewalks impractical.

(B) In commercial areas, the sidewalk shall be located as far as practical from the traffic lanes (usually close to the right-of-way line). In residential areas, the sidewalk shall be located 30 inches from the back of the curb along streets, and 12 inches from the back of the curb around the radii of cul-de-sacs and half cul-de-sacs. The minimum unobstructed width shall be as follows:

- (1) Residential districts: four feet wide;
- (2) Non-residential districts: five feet wide; and
- (3) Sidewalks abutting curbs: six feet wide.

(C) Every sidewalk shall be constructed of concrete at least four inches thick that has a minimum compressive strength of 3,500 P.S.I. after 28 days. The finished surface of all sidewalks shall have a lightly brushed texture. Control joints shall be trowelled in at minimum six-foot intervals. Expansion joints shall be placed at driveway crossings, at both ends of the sidewalk and, in the event of excessively long runs, as determined by the Village Engineer.

(D) No sidewalk shall be constructed at a grade steeper than 8% unless steps and/or ramps, approved by the Village Engineer, are provided. The cross-slope shall not exceed 1:50.

(E) Curbs shall be cut and sidewalks ramped at all intersections and driveways so as to enhance the mobility of handicapped individuals. All ramps at intersections and other hazardous vehicular ways shall have a detectable warning texture.

(F) When a sidewalk passes over a storm sewer inlet, the inlet cover depth shall be increased to five feet.

(Prior Code, § 19-323) (Ord. 1576, passed 5-17-2010; Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.048 DEDICATION FOR PUBLIC USE.

Upon the effective date of this chapter, it shall be unlawful to create any private street within the subdivision jurisdiction of the village, except as stipulated below.

(A) Every subdivider shall dedicate for public use, at least the minimum right-of-way indicated in the street design specifications contained herein. Exception: in lieu of dedicating the minimum right-of-way for public use, private streets may be provided under the following circumstances.

(1) Only one means of ingress and egress shall be constructed into the development.

(2) If more than one ingress/egress points are constructed, gates shall be installed to prohibit public thoroughfare.

(3) The method of operation of the gates shall be approved by the Village Board of Trustees upon the recommendation of the Police and Fire Chiefs.

(4) Adequate maneuverability must be provided throughout the development for all emergency vehicles.

(5) All streets must be kept in good repair at all times.

(B) The Village Engineer may require a subdivider to dedicate right-of-way in excess of the stated minimum if, in his or her professional opinion, he or she feels that:

(1) Due to topography, additional width is necessary to provide adequate site lines; or

(2) Due to the location of streams and railroads tracks, additional width is needed to construct bridges, underpasses and/or safe approaches thereto.

(C) Whenever a subdivision abuts an existing street that does not meet the street design specifications contained herein, the subdivider shall reserve sufficient right-of-way along the street abutting the subdivision so that, when additional right-of-way is acquired on the other site, compliance with said standards will be possible.

(D) Any land that is dedicated or reserved for public rights-of-way shall not be counted in determining compliance with the lot size and setback requirements set forth in Ch. 154 of this code of ordinances.

(Prior Code, § 19-324) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.049 STANDARDS FOR DRAINAGE AND STORM SEWERS.

Every residential, commercial and industrial development, having a gross aggregate area of one-half acre or more, shall be provided with drainage facilities which will effectively and satisfactorily manage storm water surface runoff, and provide for storm water detention.

(A) In order to ensure each development or redevelopment is in compliance, every developer shall provide the following:

(1) Existing and proposed drainage plans delineating the existing topography and proposed grading topography of the site and at a distance of 50 feet surrounding the site at a maximum of two-foot contour intervals showing the following:

(a) A vicinity map showing the relationship of the site to its general surroundings at a scale of not less than 2,000 feet to one inch;

(b) Title, scale, north arrow, legend, seal of a state-licensed professional engineer, date and name of person preparing plans;

(c) Property boundary, dimensions and approximate acreage;

(d) Building setback lines;

(e) All existing or proposed easements;

(f) All existing and proposed structures and sizes;

(g) Location, size and slope of storm water conduits and drainage swales;

(h) Shoreline of lakes, ponds and detention basins with normal pool water level elevation;

(i) The banks and centerline of streams and channels;

(j) Roads, streets and associated storm water inlets including finished grades;

(k) Base flood elevation, flood fringe and regulatory floodway;

(l) FEMA Map Panel, as appropriate;

(m) Existing and proposed watershed area divisions, and designated overland flow paths;

(n) Cross-section data for open channel flow paths;

(o) Area in square feet, or acres of existing and proposed impervious surface within each watershed;

(p) All known existing, abandoned or proposed water or monitoring well head locations;

(q) All known sanitary or combined sewer lines;

(r) All known septic systems, aeration systems and private disposal systems;

(s) Known farm drains and tiles;

(t) Detention facilities;

(u) The limits of designated regulatory and non-regulatory wetland areas;

(v) Depressional storage areas;

(w) The location and limits of known sinkholes (Karst areas);

(x) Any known designated natural areas, prime farmland; and

(y) Any known proposed environmental mitigation features.

(2) (a) A hydrologic/hydraulic drainage report prepared by a professional engineer licensed in the state shall be provided with design calculations to substantiate the design for all proposed storm sewers; pipe culverts, cross-road culverts; and swales and ditches. Hydraulic encroachment computations shall also be provided to ensure storm water does not unduly encroach onto pavement areas. Proposed drainage areas, land uses, runoff coefficients, flow rates, capacities, velocities and hydraulic grade lines are to be calculated and included in the report. The design of erosion control devices shall also be included in the report. A clearly legible drainage area map shall be provided with the hydraulic calculations indicating existing and proposed watershed and sub-watershed areas.

(b) The drainage report shall also include hydrologic/hydraulic storm water detention calculations detailing existing and proposed watershed drainage areas; design summary of land usages and runoff coefficients; time of concentration computations; computation of peak discharge runoff rates for each design storm and identifying the critical storm event; computation of detention volumes delineating the stage vs. storage for the detention facility in a tabular chart; and a flow rating table of the outflow structure delineating stage vs. flow capacity in a tabular chart.

(3) The location of proposed detention basins detailing the limits of ponding for each design storm and the total available volume, details of outlet structure(s) and details of erosion control device(s) shall be provided.

(4) A statement of certification of all drainage plans, exhibits, calculations and supporting data by a state-licensed professional engineer.

(B) The Village Engineer, on a case by case basis, shall have the authority to require, additional information for a proper review and to grant variations from those requirements in this section which may not apply.

(C) Any storm water design calculations reviewed and approved by the state's Department of Transportation or Department of Natural Resources, Office of Water Resources, shall serve as fulfilling the requirements in this section; provided that, the developer submits documentation of such approval.

(D) The minimal design requirements of this chapter shall not be construed to relieve the subdivider of any legal responsibilities for downstream/upstream storm water damages inflicted by runoff or backup from the development.

(Prior Code, § 19-325) (Ord. 1448, passed 4-3-2006; Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.050 GENERAL DESIGN CONSIDERATIONS.

(A) The design, plans and specifications of every storm sewer system, cross-road culvert, storm water detention facility, ditch, swale and channel shall include provisions to show compliance with the drainage laws of the state and any subdivision thereof in effect at that time. By requiring that the subdivider or developer evidence planned compliance with drainage laws, the village assumes no responsibility to landowners or others for damage caused by noncompliance with such laws.

(B) In general, all drainage system design and construction shall conform to the State Department of Transportation's *Standard Specifications for Road and Bridge Construction* (latest edition) unless otherwise modified herein.

(C) Sump pumps may be connected to the storm sewer system, but shall only enter the system above the hydraulic grade line for the 25-year design storm event. By connection of the sump pump to the village's storm sewer system, the village takes no responsibility for the operation, maintenance or ownership of the sump pump system.

(D) All sump pumps shall be fitted with an appropriate check valve to prevent backflow of storm water. The village shall not be liable for any damage due to backup of storm water due to failure of the sump pump check valve and appurtenances.

(E) Place aggregate in maximum eight-inch layers and compact to 95%, maximum dry density ASTM D698, Standard Proctor, except for the top four feet of trench, which shall be compacted to 97% maximum dry density, ASTM D698, Standard Proctor. Lift size may be increased when it is demonstrated that compaction requirements can be met using other methods. (Prior Code, § 19-326) (Ord. 1448, passed 4-3-2006; Ord. 1622, passed 8-1-2011; Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.051 SPECIFIC DESIGN REQUIREMENTS.

(A) *Storm sewers and inlets.*

(1) *Design methodology.*

(a) All storm sewer piping systems, roadway ditches, and appurtenant pipe culverts shall be sized utilizing the “Rational Method” of design as described in Chapter 4, Hydrology, of the State Department of Transportation’s *Drainage Manual* for drainage areas less than 200 acres.

(b) Storm sewer pipes, pipe culverts and inlet devices shall be provided to satisfactorily accommodate the surface runoff incident to the 25-year design storm event.

(c) The hydraulic grade line of the system at any inlet or storm manhole shall not be higher than two feet below the inlet sill or the top of a manhole or junction box.

(d) An overland flow path shall be provided to safely pass flows which cannot be accommodated by the design storm event.

(2) *Rainfall intensities.* All design rainfall events for storm sewer design shall be based on the State Water Survey’s Bulletin 70 (refer to Table 13, Sectional Frequency Distributions for Storm Periods of 5 Minutes to 10 Days and Recurrence Intervals of 2 Months to 100 Years). The total rainfall value for the design storm shall be adjusted for the “St. Louis Urban Effect” as given in Table 4, State Water Survey’s Circular 172.

(3) *Runoff coefficients.* The proposed impervious surface (paved and building areas) runoff coefficient shall be 0.95 and the runoff coefficient for lawns shall be 0.20. Wooded and forested area runoff coefficients shall be 0.12. For a typical subdivision, the runoff coefficient shall be determined by calculating a composite street and lot coefficient for the area that flows toward the street. A separate composite lot coefficient may be computed for yard inlets. If the engineer wishes to use only one coefficient for the storm sewer design, the most conservative composite runoff coefficient shall be used.

(4) *Storm sewer materials.*

(a) Storm sewer pipes located under paved surfaces and within right-of-way shall be reinforced concrete pipe with rubber gasket joints and with sufficient wall thickness and reinforcement to carry the design loading, and with materials conforming to the requirements of ASTM C-76 reinforced concrete culvert, storm drain and sewer pipe with joints conforming to ASTM C-443 joints for circular concrete and culvert pipe utilizing rubber gaskets.

(b) The type of storm sewer pipe materials used when replacing or repairing existing storm sewer pipes shall be at the discretion of the Village Engineer.

(c) Storm sewer pipes and pipe culverts located outside of paved surfaces and right-of-way may be of any of the following materials:

1. Reinforced concrete pipe with sufficient wall thickness and reinforcement to carry the intended loading and meeting the requirements of ASTM C-76 reinforced concrete culvert, storm drain and sewer pipe;

2. Pre-coated, galvanized steel pipe meeting the requirements of AASHTO M245-78 and M246; provided, the plate thicknesses conform to IDQT standard specifications;

3. Aluminized steel Type 2 corrugated culvert pipe meeting the requirements of AASHTO M274 and M36 and conforming to IDQT standard specifications; and

4. Polyethylene pipe conforming to AASHTO M294-94. This pipe shall have an integrally formed smooth wail interior. Joints shall be elastomeric gasketed in conformance with ASTM F477-93. Pipe shall not be exposed to direct sunlight for more than six months. Pipe shall have metal end sections.

(5) *Storm sewer construction.*

(a) Properly sized storm sewer(s) shall be provided to carry surface runoff from streets and curb and/or gutters and shall be of sufficient length that they transport the runoff at least 60 feet from the street pavement back of curb.

(b) The minimum diameter of storm sewers shall be 12 inches and the minimum diameter of pipe culverts shall be 15 inches.

(c) The minimum and maximum gradients of pipes/storm sewers shall conform to the following criteria.

1. Minimum grade shall be 0.3%.

2. There is no maximum grade; provided that, erosion control devices shall be utilized for all outfalls of storm sewers or pipe culverts in accordance with the design requirements of HEC-11.

(d) All site drainage design, including outfalls of storm sewers and storm water detention facilities, shall take into account the effects of downstream tailwater conditions.

(e) All trenches for storm sewer pipes and pipe culverts that are located under paved surfaces shall be properly backfilled and properly compacted to a density not less than 95% of maximum density, as defined in ASTM D2321. Manholes shall be constructed as depicted in Ch. 154, App. A, of this code of ordinances.

(6) *Inlet/catch basins construction.*

(a) Inlets/catch basins shall be constructed in accordance with the standards depicted in Ch. 154, App. A, of this code of ordinances.

(b) The spacing for inlets/catch basins shall be calculated so that the runoff from the design storm shall not encroach upon the pavement by more than five feet from the back of curb; provided, however, that, under no circumstances shall such inlet/catch basin spacing exceed 300 feet. Calculations should include curb and gutter and inlet capacity and consideration of bypass flows

(c) The intersection of inlet tops with sidewalks should be detailed for each location to ensure continuity in the sidewalk jointing, expansion joint placement and final surface elevation.

(B) *Cross-road culverts, bridges and channels.*

(1) *Design methodology.*

(a) In general, all cross-road culverts, bridges and channels shall be sized utilizing the USGS Regression Equation. The rural USGS Regression Equation shall be utilized for watersheds from 0.02 square miles to 10,000 square miles. In urbanized areas, the urban USGS Regression Equation methodology shall be utilized for watersheds from 0.7 to 630 square miles. Since the USGS Regression Equation may produce conservative results in watersheds less than 320 acres, it may be necessary to compare the results computed to other methodologies such as the Rational Method. SCS TR-55 or HEC-1 computer analysis. In complex watersheds, SCS TR-55 or HEC-1 Flood Hydrograph Computer modeling shall be utilized to compute peak storm water flows. A HEC-RAS analysis shall be developed to size the structures or channel and establish water surface profiles created by the proposed drainage system based on the aforementioned hydrologic models.

(b) Watersheds over one square mile are subject to review by the state's Department of Natural Resources (IDNR), Office of Water Resources (OWR), and should be designed under the specific requirements of the INDR\OWR.

(c) All cross-road culverts, bridges and channels shall be provided to satisfactorily accommodate the runoff incident to the 100-year design storm event. A minimum of two feet of freeboard shall be provided below roadway shoulders to the 100-year flood elevation, taking into account the headwater and tailwater effects of the culvert.

(d) For a new culvert crossings, the water surface profile increase shall not exceed one-half foot at the structure, nor 0.1 foot at a point 1,000 feet upstream of the structure as determined by the horizontal projection of the maximum created head and the slope of the hydraulic grade line.

(2) *Rainfall intensities.*

(a) For HEC-1 and SCS TR-55 modeling of cross-road culverts, channels and bridges, the design rainfall intensities shall be based on State Water Survey Bulletin 70 (refer to Table 13, Sectional Frequency Distributions for Storm Periods of 5 Minutes to 10 Days and Recurrence Intervals of 2 Months to 100 Years). The total rainfall value for the design storm shall be adjusted for the “St. Louis Urban Effect” as given in Table 4, State Water Survey Circular 172.

(b) Rainfall shall be distributed utilizing the Huff distributions in State Water Survey Circular 173 (Table 3, Median Time Distributions of Heavy Storm Rainfall at a Point). The first quartile point rainfall distribution shall be used for durations less than or equal to six hours. The second quartile distribution shall be used for storms greater than six hours and less than or equal to 12 hours. The third quartile point rainfall distribution shall be used for durations greater than 12 and less than or equal to 24 hours. The fourth quartile distribution shall be used for durations greater than 24 hours. All quartiles should be run for each required frequency to determine the controlling peak storm duration for each frequency.

(3) *Cross-road culvert materials.*

(a) Cross-road culverts shall be reinforced concrete, pipe with rubber gasket joints and with sufficient wall thickness and reinforcement to carry the design loading, and with materials conforming to the requirements of ASTM C-76 reinforced concrete culvert, storm drain and sewer pipe with joints conforming to ASTM C-443 joints for circular concrete and culvert pipe utilizing rubber gaskets, or reinforced concrete box culverts conforming to ASTM C-789 pre-cast reinforced concrete box sections for culverts, storm drains and sewers, or ASTM C850 pre-cast reinforced concrete box culverts, storm drains and sewers with less than two feet of cover subjected to highway loadings.

(b) All cross-road culverts shall be constructed with appropriate end sections conforming to the roadway embankment slope or be constructed with headwalls.

(c) The type of culvert pipe material used when replacing or repairing existing cross-road culverts shall be at the discretion of the Village Engineer.

(4) *Drainage swales.*

(a) Natural drainage swales may be utilized to accommodate surface runoff providing they are located near lot lines and the flows induced therein do not pose health or safety hazards for residents.

(b) In general, all drainage swales having less than 1% slope shall be paved with portland cement concrete or shall utilize storm sewers to transport storm water flows.

(c) The minimum and maximum gradients of earth drainage ways and/or swales shall conform to the following criteria.

1. Minimum grade shall be 1%, which may be reduced to 0.35% if paved with concrete, or as approved by the Village Engineer.

2. Maximum grade shall be 3% with no protection other than sod, or 12% with paving, rip rap and/or energy dissipaters.

(d) All new or improved storm water drainage swales created in new developments shall not allow overland drainage to exceed 250 feet without being captured by a storm sewer system. The velocity of flow in these drainage swales shall not exceed five fps unless measures are taken to avoid erosion.

(e) Area inlets shall be required to intercept flows greater than four cfs in paved or unpaved swale areas.

(C) *Storm water detention facilities.* In order to protect downstream property from potential damages by increased flow rates or greater velocities, the village may require the installation of drainage detention facilities, where such facilities are deemed necessary in the interest of public safety and welfare. All detention facilities shall be located in outlots.

(1) *Design methodology.*

(a) Storm water detention systems for new developments or re-developments as a minimum shall be designed to control the peak rate of discharge from the property for the two-year, 24-hour and 100-year, 24-hour storm events to discharge rates at or below those which existed prior to development utilizing approved runoff hydrograph methods as outlined herein. In addition, the storm water detention system shall be designed to control the peak rate of discharge from the property for the one-hour, two-hour, three-hour, six-hour, 12-hour and 24-hour storm event, whichever is determined to be the most critical. Additionally, the discharge from a storm water detention facility shall not cause an increase in flooding or channel instability downstream, when considered in aggregate with other developed properties and downstream drainage capacities.

(b) All hydrologic/hydraulic drainage calculations shall be accompanied by the “Engineer’s Hydraulic/Hydrologic Drainage Summary and Certification”, as listed in Ch. 154, App. A, of this code of ordinances.

(c) For detention basins with drainage areas less than 200 acres the modified rational method as described in the IDOT *Drainage Manual* in Chapter 4, Hydrology, and Chapter 12, Detention. In addition, the existing and proposed impervious surface (paved and building areas) runoff coefficient shall be 0.95, and existing and proposed agricultural, pastures, wooded areas and lawns shall be 0.20. Wooded and forested area runoff coefficients shall be 0.12.

(d) Detention basins with more complex watersheds or watersheds exceeding 200 acres shall be analyzed utilizing a hydrograph routing method that is generally acceptable to the State Department of Natural Resources, Office of Water Resources, such as the Soil Conservation Service TR-20 and TR-55 Methodology, or the Corps of Engineers HEC-1 computer model to develop inflow and outflow hydrographs for the existing and proposed condition runoff and for routing through the detention basin.

(2) *Rainfall intensities.*

(a) Design rainfall events for storm water detention design utilizing the “Rational Method” of analysis shall be based on the State Water Survey’s Bulletin 70 (refer to Table 13, Sectional Frequency Distributions for Storm Periods of 5 Minutes to 10 Days and Recurrence Intervals of 2 Months to 100 Years). The total rainfall value for the design storm shall be adjusted for the “St. Louis Urban Effect” as given in Table 4, State Water Survey Circular 172.

(b) For SCS-TR-55 and TR-20 methodology and HEC-1 methodology, rainfall shall be distributed utilizing the Huff distributions in State Water Survey Circular 173 (Table 3, Median Time Distributions of Heavy Storm Rainfall at a Point). The first quartile point rainfall distribution shall be used for durations less than or equal to six hours. The second quartile distribution shall be used for storms greater than six hours and less than or equal to 12 hours. The third quartile point rainfall distribution shall be used for durations greater than 12 and less than or equal to 24 hours. The fourth quartile distribution shall be used for durations greater than 24 hours. All quartiles should be run for each required frequency to determine the controlling peak storm duration for each frequency.

(3) *Storm water detention basin construction.*

(a) Where detention or retention basins are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.

(b) When practical, flows from off-site upstream areas should be bypassed around detention basins, whenever possible. The piping should be designed to pass the 100-year storm event based on maximum land use that is consistent with the current zoning or adjacent land use trends. If off-site flows are directed into the detention basin, allowable release rates for the pertinent watersheds and sub-watersheds shall not be modified above existing condition runoff rates.

(c) The placement of a detention basin in the flood fringe area shall require compensatory storage for one and one-half times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this section. The applicant shall demonstrate its operation for all stream-flow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the existing ten-year elevation shall be replaced below the existing ten-year elevation. All floodplain storage lost above the existing ten-year elevation shall be replaced above the existing ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

(d) Detention basins should have an emergency spillway for conditions that exceed the storage volume. The maximum ponding elevation shall be calculated based on a routing of the 100-year design storm assuming the low-flow outlet is blocked with water ponded to the overflow structure's sill. A minimum of one foot of freeboard shall be provided from the maximum ponding elevation to the top of the basin.

(e) Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of four inches. Smaller basins may install a smaller rectangular or v-notch weir to control discharge. If this minimum orifice size permits release rates greater than those specified in this section, and regional detention is not a practical alternative, outlets, structures such as perforated risers, or flow control orifices shall be used.

(f) All ends of pipes discharging into a dry basin shall be connected with the low-flow pipe (outflow structure) by means of a paved swale. The paved swale shall be non-reinforced concrete, four inches thick, with a minimum 2% slope to the center and a minimum 0.35% longitudinal slope. Paved swales shall be a minimum of four inches deep and three feet wide or 1.3 times the diameter of the pipe entering the basin, whichever is greater, and be keyed to the structure. The bottom of the basin shall be sloped a minimum of 2% towards the concrete swale.

(g) The maximum planned depth of storm water stored shall not normally exceed four feet.

(h) The maximum side slopes for grassed dry basins shall not exceed one foot vertical for three feet horizontal (3H:1V slope). The maximum side slopes for grassed wet basins shall not exceed one foot vertical for five horizontal (5H:1V slope). All wet basins shall have a level safety ledge at least four feet in width two and one-half to three feet below the normal water depth.

(i) In no case shall the limits of maximum ponding be closer than 30 feet horizontally from any building, and less than two feet vertically below the lowest sill elevation.

(j) In no case shall the limits of maximum ponding be closer than ten feet, plus one and one-half times the depth of the basin from the right-of-way. If there is an easement behind the right-of-way, then this distance shall be measured from the edge of the easement.

(k) The maximum storm water ponding depth in any parking area shall not exceed six inches for more than one hour.

(Prior Code, § 19-327) (Ord. 1448, passed 4-3-2006; Ord. 1700, passed 3-17-2014)

§ 153.052 STANDARDS FOR UTILITIES.

(A) All utility lines, including gas, electric power, telephone and CATV lines, shall be located underground throughout every subdivision.

(B) Underground service connections to the property line of each platted lot shall be installed at the developer's expense; provided, however, that, the Village Board may waive the requirement for service connections to each lot if adjoining lots are to be retained in single ownership.

(Prior Code, § 19-328) (Ord. 1700, passed 3-17-2014)

§ 153.053 SPECIFIC STANDARDS FOR WATER FACILITIES.

(A) Whenever the public water system is reasonably accessible, that is, within 200 feet of the subdivision, every lot shall be provided with a connection thereto at the lot line.

(B) If the public water system is not reasonably accessible, individual wells may be used or a private central water system may be developed; provided, such facilities are approved by the Village Engineer.

(C) All water distribution lines shall be at least six inches in diameter.

(D) (1) The use or attempt to use as a potable water supply ground water from all depths in the following locations, specifically denoted in the "Ground Water Ordinance Area" attached to the applicable ordinance, by the installation or drilling of wells or by any other method is hereby prohibited, except for such uses or methods in existence before the effective date of the applicable ordinance:

(a) 1718 North Illinois Street, Swansea, Illinois 62226, as described in Ordinance No. 1450, effective April 30, 2006;

(b) 1341 North Illinois Street, Swansea, Illinois 62226, as described in Ordinance No. 1646, effective May 17, 2012; and

Swansea - Land Usage

(c) 2040 Llewellyn Road, Swansea, Illinois 62226, also known as Permanent Parcel Nos. 08060210006 and 08050100006 and 08060400034, and as shown on Figure 2, attached hereto and incorporated by reference herein;

(d) 2030 Llewellyn Road, Swansea, Illinois 62226, also known as Permanent Parcel Nos. 08050300001 and 08050100007, and as shown on Figure 2, attached hereto and incorporated by reference herein;

(e) 2043 Llewellyn Road, Swansea, Illinois 62226, also known as Permanent Parcel No. 08050100005, and as shown on Figure 2, attached hereto and incorporated by reference herein;

(f) 2119 Llewellyn Road, Swansea, Illinois 62226, also known as Permanent Parcel No. 08060211012, and as shown on Figure 2, attached hereto and incorporated by reference herein.

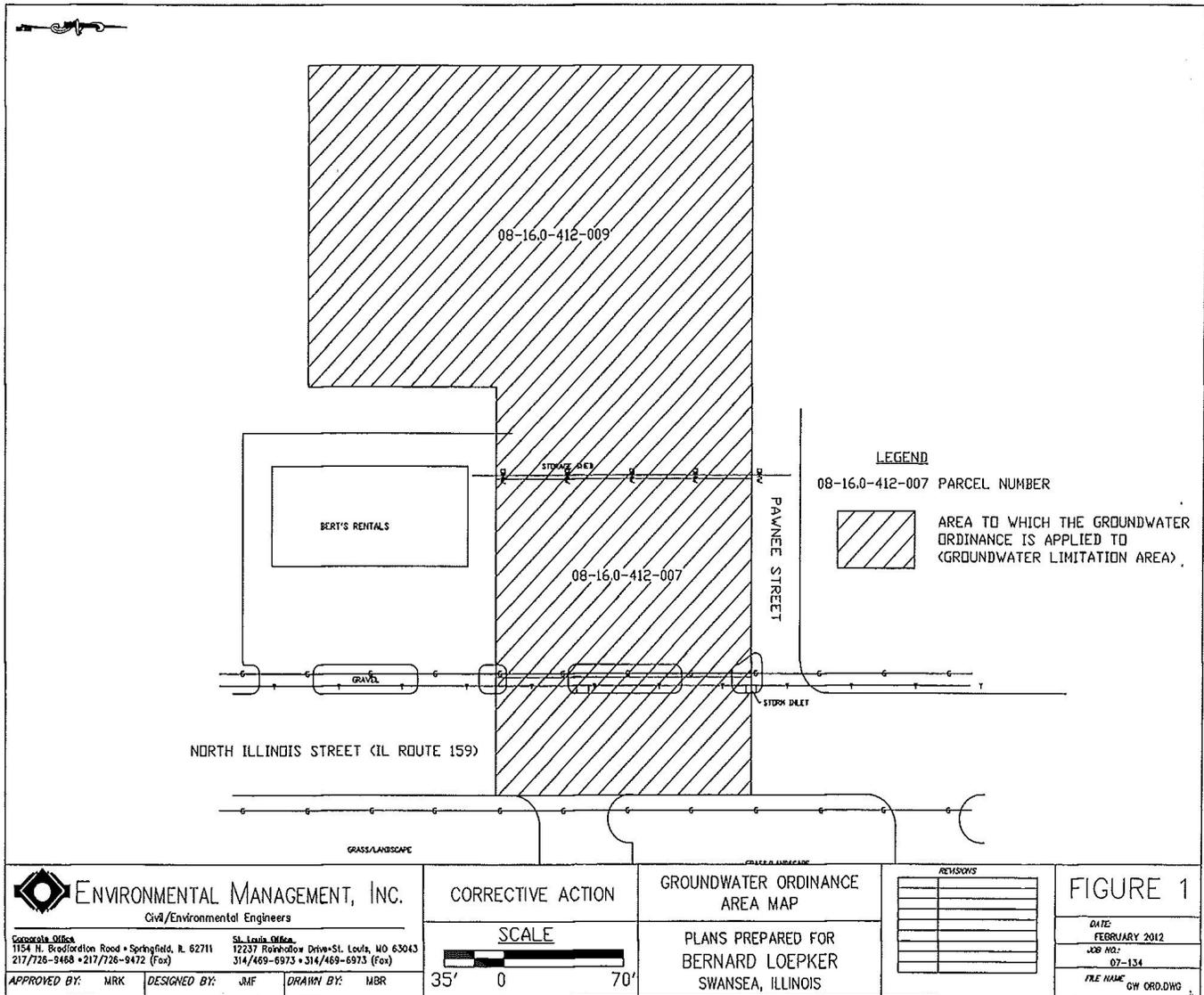
(2) This limitation shall apply to the village or any other person's construction or use or attempt to construct or use a well.

(3) (a) **PERSONS** shall mean any individual, partnership, co-partnership firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision or any other legal entity, or their legal representatives, agents or assigns.

(b) **POTABLE WATER** shall mean any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods.

[Figures 1 and 2 follow on next two pages]

FIGURE 1



ENVIRONMENTAL MANAGEMENT, INC.
 Civil/Environmental Engineers

Corporate Office
 1154 N. Bedfordton Road • Springfield, IL 62711
 217/726-9468 • 217/726-9472 (Fax)

St. Louis Office
 12237 Rainbow Drive • St. Louis, MO 63043
 314/469-6973 • 314/469-6973 (Fax)

APPROVED BY: MRK DESIGNED BY: JMF DRAIN BY: MBR

CORRECTIVE ACTION

SCALE

35' 0 70'

GROUNDWATER ORDINANCE AREA MAP

PLANS PREPARED FOR
 BERNARD LOEPKER
 SWANSEA, ILLINOIS

REVISIONS	

FIGURE 1

DATE: FEBRUARY 2012
 JOB NO: 07-134
 FILE NAME: GW ORD.DWG

§ 153.054 SPECIFIC STANDARDS FOR SANITARY SEWERS.

(A) All sanitary sewer facilities shall be installed in compliance with the regulations of the State Department of Public Health and the State Environmental Protection Agency, and must be approved by the Village Engineer.

(B) Whenever the public sanitary sewerage system is reasonably accessible, that is, when the distance from the property to be subdivided to the nearest public sewer with available capacity does not exceed 200 feet, the developer shall extend said system throughout the subdivision and shall provide each lot with a connection thereto.

(C) In areas where the public sanitary sewerage system is not reasonably accessible, but where plans for the installation of said system have been approved by the State Environmental Protection Agency, the developer shall provide sanitary sewers in accordance with such plans and temporarily cap them.

(D) Except as provided in divisions (A) or (B) above, whenever connection to the public sewerage system is not reasonably accessible and plans for such a system have not been approved by the IEPA, the developer shall install a private central sewerage system approved by the Village Engineer.

(E) Whenever the provisions of divisions (A), (B) or (C) above are applicable, the developer shall comply with the following regulations.

(1) The developer shall attempt to locate every sanitary sewer main within the area between the pavement edge and the right-of-way line of the street.

(2) Where a sewer main crosses a proposed street, the developer shall back fill with compacted limestone screenings, sand or other approved granular material.

(3) The developer shall provide a six-inch service connection for each residential lot, the lateral of which, shall be extended at least ten feet into the lot, as measured from the lot line, and extended vertically to a minimum of three feet above the finished grade level. The exposed end shall be sealed with a six-inch cap glued in place. The transition from the horizontal to the vertical shall be made by the use of a six-inch 90-degree "long sweep" or a series of two 45-degree elbows.

(4) Where a lateral crosses a proposed street, the trench shall be backfilled with limestone screenings, sand or other approved granular material.

(5) All sections of all sanitary sewer mains, laterals and the like shall be air-tested. All mains shall also be mandrel tested, lamped and televised. All testing shall be done by an independent testing agency approved by the village.

(a) When air testing, all sections of sanitary sewer mains, laterals and the like, eight inches or less in diameter, shall be pressurized to at least four P.S.I. above the surrounding ground water pressure, and must not drop more than one P.S.I. after a minimum duration of five minutes.
Sewer mains

over eight inches in diameter shall be tested as required by the Village Engineer. A copy of the testing results, showing a minimum of the initial test pressure, the final test pressure and the duration of the test shall be submitted to the village prior to final acceptance of the development. The test results shall be certified by the testing agency.

(b) An approved testing company shall televise all sanitary sewer mains. A digital format denoting the manhole number, distance between laterals and manholes shall be depicted on the digital format. The manhole number on the digital format shall be the manhole number shown on the plans for the development and the corresponding village designated manhole number. A report in eight and one-half by 11-inch format shall be submitted detailing the results. The digital format and the report shall identify all observed construction deficiencies, pipe material flaws and the like. The report and a copy of the digital format shall be submitted to the village.

(c) All sanitary sewers mains shall be lamped by an approved, independent agency to ensure consistent slope and alignment prior to acceptance. A report shall be submitted to the village.

(d) All manholes shall be vacuum tested.

1. The vacuum should reach ten inches water column and hold the pressure for the time specified in the following chart.

<i>Time (in Sec.)</i>			
<i>Manhole Depth (feet)</i>	<i>48-Inch Diameter</i>	<i>60-Inch Diameter</i>	<i>72-Inch Diameter</i>
8	20	26	33
10	25	33	41
12	30	39	49
14	35	46	57
16	40	52	65
18	45	59	73
20	50	65	81
22	55	72	89
24	59	78	97
26	64	85	105
28	69	91	113
30	74	98	121

2. If the vacuum drops more than one inch within the test time, the manhole is considered unacceptable. A copy of the testing results, showing a minimum of the initial test pressure, the final test pressure and the duration of the test shall be submitted to the village prior to final acceptance of the development. The test results shall be certified by the testing agency.

(e) The developer shall provide a sanitary sewer as-built to the village. The as-built shall show the location, flowline and depth of all manholes and the location of all laterals. All elevations shall be based upon the existing sewer system datum of the village. The developer shall submit all as-built data both on hard copy and in an Autocad format as approved by the village. (Prior Code, § 19-330) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.055 SPECIFIC STANDARDS FOR INDIVIDUAL SEWERS.

(A) Individual sewage disposal facilities shall not be installed in any subdivision containing more than ten lots as shown on the final plat or as subsequently developed.

(B) Where individual disposal facilities are permitted, the Village Board may require that the minimum lot size be increased above the usual zoning district requirements to provide adequate area for drain fields.

(Prior Code, § 19-331) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

§ 153.056 STANDARDS FOR EASEMENTS.

(A) Unless utilities are to be installed in the public rights-of-way, easements not less than ten feet wide shall be provided on each side of all rear lot lines, and alongside side lot lines where necessary for storm and sanitary sewers; gas, water and other mains; and for underground electric and telephone lines.

(B) Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

(C) Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the Village Engineer.

(D) It shall be unlawful for any person to deny access to such easements to authorized officials upon display of proper identification.

(E) No person shall erect any structure or plant any tree or shrub in any easement or within any street or alley right-of-way, except at the owner's risk with respect to all costs for demolition, removal or reconstruction thereof.

(Prior Code, § 19-332) (Ord. 1700, passed 3-17-2014) Penalty, see § 153.999

ADMINISTRATION AND ENFORCEMENT

§ 153.075 SCHEDULE OF FEES.

(A) The following schedule establishes fees for the various procedures listed in this chapter, which are intended to defray the administrative costs connected with such procedures, and as such do not constitute a tax or other revenue-raising device.

<i>Procedure</i>	<i>Fee</i>
Amendment to the Subdivision Code text	\$225
Filing an amended plat after approval has been granted	\$500, plus \$10 per lot or building site with minimum of \$600
Filing of final plat for minor subdivision	\$50
Filing of final plat of same subdivision	Included in fees
Filing of improvements plans for same subdivision	Fees for the Village Engineer's review of the improvement plans and any inspections of improvements must be paid by the developer
Filing of preliminary plat	\$500, plus \$10 per lot or building site with a minimum of \$600
Inspection of improvements of same subdivision	See "Filing for improvements plans for same subdivision"
Variation	\$225

(B) Until such fees have been paid, no request for any of the above shall be deemed to have been filed and no procedure shall be initiated.

(Prior Code, § 19-402) (Ord. 1551, passed 5-18-2009; Ord. 1700, passed 3-17-2014)

§ 153.076 AUTHORITY.

(A) The primary authority for administration and enforcement of the provisions of this chapter shall be vested in the following:

- (1) Code Administrator;

- (2) Village Engineer;
- (3) Planning and Zoning Board; and
- (4) Board of Trustees.

(B) In addition to the above, other officials, appointees or employees of the village may be required and authorized to perform functions authorized in this chapter.
(Prior Code, § 19-403) (Ord. 1700, passed 3-17-2014)

§ 153.077 CODE ADMINISTRATOR; APPOINTMENT AND TERM OF OFFICE; COMPENSATION; DUTIES AND RESPONSIBILITIES.

(A) *Authorization.* The Code Administrator, established in § 32.07(A) of this code of ordinances, is hereby authorized and empowered to administer and enforce provisions of this chapter as listed in division (D) below.
(Prior Code, § 19-404)

(B) *Appointment and term of office.* Procedures for the appointment of the Code Administrator and his or her respective term of office shall be governed by the provisions of § 32.07(A) of this code of ordinances, and not altered by this chapter.
(Prior Code, § 19-405)

(C) *Compensation.* Any compensation paid to The Code Administrator shall be governed by the provisions of § 32.07(C) of this code of ordinances and not altered by this chapter.
(Prior Code, § 19-406)

(D) *Duties and responsibilities.* The Code Administrator, in administering and enforcing the provisions of this chapter, shall be responsible for, but not limited to, the following specific duties:

- (1) To review and forward preliminary and final plats to the Planning and Zoning Board;
- (2) To transmit improvement plans to the Village Engineer for his or her review;
- (3) To issue stop orders as necessary when the Village Engineer determines that approved improvements are being constructed in violation of this chapter;
- (4) To pursue actions authorized in § 153.084(J) of this chapter when a developer fails to complete required improvements;
- (5) To evaluate and make decisions concerning proposed minor changes in approved final plats;
- (6) To review and forward applications for variations to the Planning and Zoning Board;

(7) To periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations on such matters to the Planning and Zoning Board as necessary;

(8) To maintain up-to-date records of matters pertaining to this chapter including, but not limited to, preliminary plats, “as-built” records of completed improvements, final plats, variations and amendments; and

(9) To provide information to subdividers and developers and to the general public on matters related to this chapter.

(Prior Code, § 19-407)

(Ord. 1700, passed 3-17-2014)

§ 153.078 VILLAGE ENGINEER; APPOINTMENT AND TERM OF OFFICE; COMPENSATION; DUTIES AND RESPONSIBILITIES.

(A) *Authorization.* The Village Engineer, appointed under § 32.04(A) of this code of ordinances, is hereby authorized and empowered to administer and enforce all applicable provisions of this chapter.

(Prior Code, § 19-408)

(B) *Appointment and term of office.* Procedures for the appointment of the Village Engineer and his or her respective term of office shall be governed by the provisions of § 32.04(A) of this code of ordinances and not altered by this chapter.

(Prior Code, § 19-409)

(C) *Compensation.* Any compensation paid to the Village Engineer shall be governed by the provisions of § 32.04(A) of this code of ordinances and not altered by this chapter.

(Prior Code, § 19-410)

(D) *Duties and responsibilities.* The Village Engineer, in administering and enforcing the provisions of this chapter, shall be responsible for, but not limited to, the duties specified in the various sections of this chapter.

(Prior Code, § 19-411)

(Ord. 1700, passed 3-17-2014)

§ 153.079 COMPLAINTS.

(A) Whenever any person alleges that a violation of the provisions of this chapter has occurred, that person shall file a written complaint on forms provided by the Code Administrator.

(B) The Code Administrator shall record such complaints, promptly investigate and, if necessary, institute appropriate corrective action.

(Prior Code, § 19-416) (Ord. 1700, passed 3-17-2014)

§ 153.080 CORRECTIVE ACTION ORDERS; CONTENTS OF ORDER; SERVICE OF ORDER.

(A) *General.* Whenever the Code Administrator finds, by complaint, inspection or otherwise, any development in violation of this chapter, he or she shall so notify the responsible party, and shall order appropriate corrective action.

(Prior Code, § 19-417)

(B) *Contents of order.* Every order to take corrective action shall be issued in writing and shall at least include:

- (1) A description of the premises sufficient for identification;
- (2) A statement indicating the nature of the violation;
- (3) A statement of the corrective action necessary to effect compliance;
- (4) The date by which the violation must be corrected;

(5) A statement that the alleged violator is entitled to a conference with the Code Administrator and/or the Village Engineer if he or she so desires;

(6) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and

(7) A statement that failure to obey a corrective action order may result in the imposition of fines.

(Prior Code, § 19-418)

(C) *Service of order.* A corrective action order shall be deemed properly served upon the owner, subdivider or developer, if it is:

- (1) Served upon him or her personally;
- (2) Sent by certified mail to his or her last known address; or
- (3) Posted in a conspicuous place on or about the affected premises.

(Prior Code, § 19-419)

(Ord. 1700, passed 3-17-2014)

§ 153.081 STOP WORK ORDERS.

Whenever any work is being done in violation of any provision of this chapter, the Code Administrator's corrective action order may state that the violation must cease immediately, in which case, the corrective action order is equivalent to a stop work order.
(Prior Code, § 19-420) (Ord. 1700, passed 3-17-2014)

§ 153.082 EMERGENCY MEASURES.

Notwithstanding any other provisions of this chapter, whenever the Code Administrator determines that any violation of this chapter poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.
(Prior Code, § 19-421) (Ord. 1700, passed 3-17-2014)

§ 153.083 PRELIMINARY PLATS; REQUIREMENTS FOR FILING; ACTION BY THE PLANNING AND ZONING BOARD; ACTION BY THE BOARD OF TRUSTEES.*(A) General.*

(1) Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of the village shall file four copies of the preliminary plat of said subdivision with the Code Administrator.

(2) The subdivider shall also file one copy of the preliminary plat and all supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than 30 days to submit any comments to make to the Planning and Zoning Board.

(3) Whenever a subdivider proposes to develop a large tract of land in stages and only a portion of that tract is to be submitted for preliminary or final plat approval, the developer shall also submit a "site design" of the entire tract proposed for eventual development. Said site design shall indicate the general location of proposed streets and utilities, proposed densities, location of wooded areas (aerial photos are acceptable) and the topography of the tract (USGS data is acceptable).

(4) All preliminary plats shall be reviewed and acted upon in accordance with 65 ILCS 5/11-12-8 and the provisions of divisions (A)(4)(a) and (A)(4)(b) below; provided, however, that, the provisions of this section shall not apply to:

(a) Minor subdivisions, as defined in § 153.008 of this chapter; or

(b) Land that is specifically exempted from the State Plats Act (765 ILCS 205/1(b)).
(Prior Code, § 19-422)

(B) *Requirements for filing.*

(1) Every preliminary plat shall be prepared by a land surveyor registered in the state at any scale necessary for clarity; provided, the resultant drawing does not exceed 32 inches by 42 inches. Said preliminary plats, together with supporting data, shall provide all of the following information:

(a) The names and addresses of the owner, subdivider (if not the owner) and registered land surveyor;

(b) Location, boundaries and name of the proposed subdivision;

(c) Zoning district classification of the tract to be subdivided;

(d) North arrow, graphic scale and date of map;

(e) Dimensions of the tract and its gross area;

(f) Topography of the tract to be subdivided as indicated by two-foot contour data;

(g) Locations of such features as bodies of water, ponding areas, natural drainage ways, railroads, cemeteries, bridges, parks and schools, within or adjacent to the tract to be developed;

(h) Locations and right-of-way widths of all existing and proposed streets and alleys;

(i) Locations, widths and purposes of all existing and proposed easements;

(j) Location and size of existing and proposed sanitary and storm sewers;

(k) In conservation areas, locations, dimensions and areas of all parcels to be reserved for parks/playgrounds or other public purposes; and

(l) Locations, dimensions and areas of all proposed or existing lots within the subdivision.

(2) The developer or subdivider shall submit the preliminary plat to the Code Administrator at least 14 days before the next regularly scheduled meeting of the Planning and Zoning Board.

(3) The Code Administrator shall promptly notify the Chairperson and members of the Planning and Zoning Board of the submission and make copies of the preliminary plat available for its review prior to the scheduled meeting.

(Prior Code, § 19-423)

(C) *Action by the Planning and Zoning Board.*

(1) At its next regularly scheduled meeting, the Planning and Zoning Board shall review preliminary plat for compliance with the provisions of this chapter.

(2) Within 90 days from the date of submission of the preliminary plat or the filing of the last item of required supporting data, whichever date is later, the Planning and Zoning Board shall either approve or disapprove the application for preliminary plat approval, unless the Planning and Zoning Board and the subdivider mutually agree to extend this time limit.

(3) If the Planning and Zoning Board disapproves the preliminary plat, it shall furnish to the applicant, within the 90-day period, a written statement specifying the aspects in which the proposed plat fails to conform to this chapter and/or the official map.

(4) If the Planning and Zoning Board approves the preliminary plat, it shall promptly so inform the Board of Trustees. If the Planning and Zoning Board fails to act on a preliminary plat within the prescribed time limits, said failure to act shall be considered a positive recommendation. No plat which provides access to a state highway shall be approved by the Planning and Zoning Board until the same has been reviewed by and comments received from the State Department of Transportation.

(Prior Code, § 19-424)

(D) *Action by the Board of Trustees.*

(1) If the Planning and Zoning Board has approved a preliminary plat, the Board of Trustees, by resolution, shall either accept or reject said plat within 30 days after its next regularly scheduled meeting following the Planning and Zoning Board's action. If the Board of Trustees rejects the preliminary plat, its resolution shall specify the aspects in which the plat fails to comply with this chapter and/or the official map.

(2) The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Clerk, one shall be filed with the Code Administrator and one copy shall be given to the subdivider. Board approval shall not qualify a preliminary plat for recording.

(Prior Code, § 19-425)

(Ord. 1700, passed 3-17-2014)

Statutory reference:

Related provisions, see 70 ILCS 405/22

§ 153.084 IMPROVEMENT PLANS; REQUIREMENTS FOR FILING; REQUIREMENTS FOR INSPECTION; REQUIREMENTS FOR “AS-BUILT” RECORDS; REQUIREMENTS FOR ASSURANCE OF COMPLETION; ACCEPTABLE FORMS OF ASSURANCE; ELIGIBLE SURETIES; TERM OF ASSURANCE, EXTENSION; RELEASE OF BOND, ESCROW DEPOSIT; FAILURE TO COMPLETE IMPROVEMENTS.

(A) *General.*

(1) Following approval of any preliminary plat by the Board of Trustees, but prior to submission of the final plat, the subdivider shall submit four copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision to the Code Administrator for review by the Village Engineer.

(2) Such plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation.

(3) Until the Village Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards imposed in this chapter:

(a) The Code Administrator shall not issue any permit to allow construction of said improvements; and

(b) The Board of Trustees shall not act upon the application for final plat approval. (Prior Code, § 19-426)

(B) *Requirements for filing.* Plans and specifications for improvements shall consist of black or blue line prints not larger than 32 inches by 42 inches. Said plans, together with related specifications, shall provide all of the following information:

(1) Any flood-prone areas, detailed on a topographical map, at the same scale as required in the preliminary plat, illustrating that all lots and improvements will be above the regulatory flood evaluation;

(2) Existing and proposed elevations along the centerlines of all streets;

(3) Radii of all curves and lengths of tangents on all streets;

(4) Locations and typical cross-section of street pavements including curbs/gutters and catch basins;

(5) Locations and typical cross-section of sidewalks;

(6) Locations, sizes and invert elevations of all existing and proposed sanitary sewers and storm sewers, showing connections to any existing or proposed sewer systems;

- (7) Locations of all water, gas, electric and other utilities;
- (8) Locations of street signs;
- (9) Locations of all wooded areas (aerial photos are acceptable);
- (10) All proposed measures to control erosion and sedimentation;
- (11) High water elevations of all lakes and streams adjoining or within the tract; and
- (12) Such other information as the Village Engineer may reasonably require to perform his or her duties under this section.

(Prior Code, § 19-427)

(C) *Requirements for inspection.* The subdivider/developer shall notify the Code Administrator and the Village Engineer of the beginning and completion of the construction of all improvements.

(1) The Village Engineer shall inspect said improvements while they are under construction and, if he or she determines that they are being built in violation of this chapter or the approved plans, he or she shall promptly notify the Code Administrator who, in turn, shall issue a stop work order.

(2) The Village Engineer shall also inspect improvements upon their completion. The village shall not accept any completed improvements until the Village Engineer has certified that they comply with the provisions of this chapter.

(Prior Code, § 19-428)

(D) *Requirements for "as-built" records.* Upon the completion of all improvements, the subdivider/ developer shall file with the Code Administrator, a set of reproducible cloth- or polyester-base film positives showing as-built details of all improvements and any deviations from approved plans. The sanitary sewer "as-built" drawings shall illustrate the location and approximate depth of all service laterals; the size, location and flowline elevations of all sewer mains; the top and flowline elevations of all manholes; and any other pertinent information.

(Prior Code, § 19-429)

(E) *Requirements for assurance of completion.* The Board of Trustees shall not approve any final plat of subdivision and, therefore, said final plat shall not be entitled to recording, until:

(1) All improvements required in the approved improvements plan have been completed by the subdivider/developer at his or her expense, inspected by the Village Engineer and dedicated to the village or other appropriate entity; or

(2) At the discretion of the Board of Trustees, and in accordance with the provisions below, the subdivider/developer has provided the village with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.
(Prior Code, § 19-430)

(F) *Acceptable forms of assurance.* At the option of the Board of Trustees, the required legal assurance may be either a performance bond or an escrow deposit.

(1) Every performance bond shall be reviewed by the Village Attorney and posted with the Village Clerk.

(2) Any funds to be held in escrow shall be deposited with the Village Treasurer.

(3) The amount of the performance bond or escrow deposit shall be equal to the Village Engineer's estimate of the costs of constructing the unfinished portion of the required improvements, plus all required inspection fees.

(4) Every escrow deposit shall be in the form of:

(a) Cash;

(b) An irrevocable letter of credit or commitment from a lending institution guaranteeing to the village the availability of the escrow funds from time to time upon demand; or

(c) Certificate of deposit, treasury bills or other readily negotiable instruments approved by the Village Treasurer and made payable to the village.
(Prior Code, § 19-431)

(G) *Eligible sureties.*

(1) No person shall be eligible to act as surety unless he or she has been approved by the Village Treasurer.

(2) The Treasurer shall conduct or cause to be conducted spot audits of all sureties.

(3) Any surety who fails to perform shall be ineligible for two years thereafter to act as surety for any subdivision improvement within the village's jurisdiction.
(Prior Code, § 19-432)

(H) *Term of assurance, extension.*

(1) The initial term of any performance bond or escrow agreement shall not exceed two years.

(2) If all the required improvements have not been completed by the end of the two-year period, the Code Administrator, with the advice and consent of the Board of Trustees, may either extend said bond/escrow agreement for one year only, or may proceed as per division (J) below. (Prior Code, § 19-433)

(I) *Release of bond, escrow deposit.*

(1) The Village Clerk/Treasurer may release up to 90% of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Village Engineer. The amount which the Village Engineer authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(2) The balance of the amount of the performance bond/escrow deposit shall not be released until:

(a) The Village Engineer has certified to the Code Enforcement Officer, in writing, that all required improvements have been satisfactorily completed; and

(b) Said improvements have been dedicated to and accepted by the village or other appropriate entity. (Prior Code, § 19-434)

(J) *Failure to complete improvements.* If all required improvements have not been completed by the end of the two-year period (or three-year period in the case of an extension), the Code Administrator, with the assistance of the Village Attorney, may:

(1) Require the surety to perform on the bond, and to pay to the village an amount equal to the cost of completing the required improvements, as estimated by the Village Engineer, or the amount of the bond not theretofore released, whichever is less;

(2) Order the Village Treasurer to retain all escrowed funds needed to complete the required improvements and to return the balance, if any, of such funds to the subdivider/developer; or

(3) Require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements. (Prior Code, § 19-435)
(Ord. 1700, passed 3-17-2014)

§ 153.085 FINAL PLATS; REQUIREMENTS FOR FILING; REQUIRED CERTIFICATES; ADMINISTRATIVE REVIEW PROCEDURES; ACTION BY THE BOARD OF TRUSTEES; CHANGES IN APPROVED FINAL PLATS; MAINTENANCE OF IMPROVEMENTS; DURATION OF GUARANTEE.

(A) *General.*

(1) The County Recorder of Deeds shall not record any final plat of a subdivision located within the subdivision jurisdiction of the village until said final plat has been approved by the Board of Trustees.

(2) (a) The Board of Trustees shall not approve any final plat unless they determine that said plat is in compliance with all pertinent requirements of this chapter including those set forth below.

(b) The subdivider of every subdivision, whether major or minor, but excluding land specifically exempted from the State Plat Act, as now or hereafter amended, (765 ILCS 205/1(b)), who desires final plat approval, shall file four copies of the final plat and supporting data with the Code Administrator not later than one year after preliminary plat approval has been granted; provided, however, that, with the consent of the Board of Trustees, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat, for successive one-year periods.

(Prior Code, § 19-436)

(B) *Requirements for filing.*

(1) Every final plat shall be prepared by a registered land surveyor on new linen tracing cloth- or polyester-base film with waterproof black ink at a scale not greater than 100 feet equals one inch; provided that, the resultant drawing shall not exceed 32 inches by 42 inches.

(2) The final plat and supporting data shall provide all of the following information:

(a) North arrow, graphic scale and data;

(b) Name of subdivider;

(c) Accurate metes and bounds or other adequate legal description of the tract;

(d) Accurate boundary lines, with dimensions and bearing or angles which provide a survey of the tract, closing with an error of closure of not more than one foot in 10,000 feet;

(e) Reference to recorded plats of adjoining platted land by record name, plat book and page number;

(f) Accurate locations of all existing streets intersecting the boundaries of the subdivision;

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(g) Right-of-way lines of all streets, other rights-of-way, easements and lot line with accurate dimensions, angles or bearings and curve data, including, radii, arcs or chords, points of tangency and central angles;

(h) Name and right-of-way width of every proposed street;

(i) Location and purpose of any existing or proposed easements;

(j) Number of each lot, lot dimensions and, in a separate list, lot areas;

(k) Purpose(s) for which sites, other than private lots, are reserved;

(l) Building or setback lines with accurate dimensions;

(m) In a supporting document, restrictions of all types which will run with the land and become covenants in the deeds of lots; and

(n) Locations of all existing and proposed utilities.

(Prior Code, § 19-437)

(C) *Required certificates.* As required by state law (765 ILCS 205/2), the following certificates shall be executed on the final plat.

(1) *Owner's certificate.*

We, _____, the owners of _____ (description) _____ have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as .

All rights-of-way and easements shown herein are hereby dedicated to the use of the public forever.

Dated this _____ day of _____, 20_____ .

_____ (SEAL)

_____ (SEAL)

(2) *Notary public certificate.*

State of Illinois)
County of St. Clair)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 20____.

NOTARY

COMMISSION

(3) *Surveyor's certificate.*

I, _____, a registered Illinois Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of _____ for the purpose of subdividing the tract into lots as shown.

Illinois Land Surveyor

Registration Number

Date

(4) *County Clerk's certificate.*

I, _____, County Clerk of St. Clair County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

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(5) Certificate of Board of Trustees.

I, _____, President of the Board of Trustees of the Village of Swansea, do hereby certify that the plat shown herein was duly presented to the Board of Trustees, and approved at a meeting of same held on _____ (date) .

President of the Board

Village Clerk

(6) Flood hazard certificate.

We, the undersigned, do hereby certify that no part of this plat to be recorded, is situated within a special flood hazard area as identified by the Federal Emergency Management Agency.

By:
Owner(s)

By:
Illinois Land Surveyor

Registration Number

Date

(7) State highway certification.

(a) For those subdivisions which provide access to a state highway, the following certification shall also be required and executed on the final plat:

Illinois Department of Transportation Certification

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to ILL STAT 1987, CH. 109, PAR. 2. However, a highway permit for access is required by the owner of the property. A plan that meets the requirements contained in the Department's "Policy On Permits For Access Driveways To State Highways" will be required by the Department.

District Engineer

Date

(b) For those subdivisions which provide access to a state highway, the following certification shall also be required and executed on the final plat:

<p>St. Clair County Highway Department Certification</p> <p>This plat has been approved by the St. Clair County Highway Department with respect to roadway access pursuant to County Regulations. However, a highway permit for access is required by the owner of the property.</p> <p>County Engineer</p> <p>Date</p>

(Prior Code, § 19-438)

(D) *Administrative review procedures.*

(1) Within 30 days from the date of application, the Code Administrator shall review said final plat, and supporting data, and shall jointly advise the Board of Trustees in writing whether it substantially conforms to the approved preliminary plat.

(2) A copy of their advisory report shall be forwarded to the Planning and Zoning Board, who may prepare an addendum to said report if they so desire, and forward same to the Board of Trustees.

(Prior Code, § 19-439)

(E) *Action by the Board of Trustees.*

(1) Within 60 days from the date of submission of an application for final plat approval, or the filing of the last item of required supporting data, whichever date is later, the Board of Trustees shall either approve or disapprove the application for final plat approval by resolution unless the Board and the subdivider mutually agree to extend this time limit. Failure to act within the prescribed time limits shall be deemed approval. The Board of Trustees shall not approve any final plat unless:

(a) The final plat substantially conforms to the approved preliminary plat;

(b) The final plat manifests substantial compliance with the official map and with the design and improvements standards of this chapter;

(c) To the Board’s knowledge and belief, the final plat complies with all pertinent requirements of state law; and

(d) Either of the following has been met:

1. All required improvements have been completed, inspected, accepted and dedicated; or

2. The subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements.

(2) If the Board of Trustees disapproves the final plat, its resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

(3) The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the final plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator and one copy shall be given to the subdivider. (Prior Code, § 19-440)

(F) *Changes in approved final plats.* Once a final plat is approved by the Board of Trustees, it shall not thereafter be modified; provided, however, that, minor changes may be made upon written application to the Code Administrator. Major changes shall require the filing of a new final plat and complete review as provided for herein. (Prior Code, § 19-441)

(G) *Maintenance of improvements.* Subsequent to completion of the improvements within the development by the subdivider, the Village Engineer and Code Administrator shall make an inspection of said improvements to ascertain the acceptability of the structural condition, earth slopes and drainage structures, and that all other requirements of this chapter have been met.

(1) If said inspection indicates no deficient items and all "as-built" drawings have been filed with the Code Administrator, and the subdivider/developer has posted an appropriate maintenance bond as hereinafter set forth, the Board of Trustees shall take formal action to dedicate the completed improvements for maintenance.

(2) Should any improvement require correction or repair, the subdivider shall be notified, in writing, of each deficiency. No street(s) will be accepted in a subdivision until all streets comply with the requirements of this chapter to the satisfaction of the Village Engineer and Superintendent of Public Works.

(3) Should the subdivider fail to properly correct any of the noted deficiencies, he or she shall be responsible for all maintenance, other than snow and ice control, until such time as the streets are completely acceptable to the village.

(a) Under this situation, the subdivided maintenance responsibility shall be construed to include, but not be limited to, regular mowing of the parkways; periodic cleaning of debris from the pavement and gutters; and periodic cleaning of storm sewers and catch basins.

(b) Should the subdivider fail to discharge any of these responsibilities, he or she will be notified to rectify the situation by the Village Clerk.
(Prior Code, § 19-442)

(H) *Duration of guarantee.*

(1) All improvements within a development shall be guaranteed by the developer or be in satisfactory condition and in compliance with this chapter for a period of two years from the date of dedication.

(2) Prior to dedication, the subdivider/developer shall post a maintenance bond with the Village Clerk in a form approved by the Village Attorney.

(a) Said bond shall be in an amount determined by the Village Engineer (generally 25% of the estimated construction costs) to be sufficient to guarantee the satisfactory condition of the required improvements for a period of at least two years.

(b) It shall be the subdivided responsibility to request from the village in writing, a final inspection of the improvements not later than 60 days after receiving notice from the subdivider.

(c) In any event if the subdivider fails to request a final inspection in writing 30 days before the end of the guarantee period, the guarantee period shall be extended until 30 days after such time as the notice is received and the improvements are deemed satisfactory by the village.

(3) If, at any time during the guarantee period, the improvements are found to be defective, they shall be repaired or replaced at the subdivider's expense.

(a) If the subdivider fails or refuses to pay such costs within 90 days after demand is made upon him or her by the Code Administrator, the village shall use the maintenance bond to make the necessary repairs/replacement.

(b) If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess.

(4) Upon final inspection of any completion of the repairs deemed necessary by the village, the village shall release the subdivider's maintenance bond. The village shall issue a written inspection releasing the developer from further responsibility to the village for said improvements.
(Prior Code, § 19-443)

(I) *Special service area.*

(1) No final plat of any subdivision shall be approved unless a special service area has been established by the developer and the ordinance establishing the special service area has been recorded for the entire subdivision.

(2) The village, in the village's sole discretion, shall determine which specific public improvements or services it will provide to each such special service area, and when it will commence doing so.

(3) Such services may include: the maintenance and construction of detention ponds, retention basins, storm sewers, outlots, streets, curbs, parking areas, sidewalks and trails, landscaping and fencing, waterlines, sewer lines, street lights, monuments, entrances, recreation areas, green space, and other specific services relating to subdivision maintenance and improvements, collectively referred to hereinafter as the "SSA services and improvements"; and

(4) The village shall levy a direct annual tax on all of the taxable property within each such special service area to pay the annual cost of providing the SSA services and improvements.

(5) Property, infrastructure or improvements within the special service area for which the village has agreed to take ownership shall be transferred to the village only to the extent specified in a motion, resolution or ordinance duly passed or enacted by the village corporate authorities as provided by law.

(Ord. 1700, passed 3-17-2014; Ord. 1767, passed 12-5-2016)

§ 153.086 VARIATIONS; REVIEW BY THE PLANNING AND ZONING BOARD; ACTION BY THE BOARD OF TRUSTEES.

(A) *General.* Any subdivider/developer desiring a variation from the requirements of this chapter shall file a written application therefor with the Code Enforcement Officer at the same time that he or she files his or her preliminary plat.

(1) The application shall fully explain the grounds for the variance request and specify the section(s) of this chapter which, if strictly applied, would cause great practical difficulties or hardship.

(2) The Code Administrator shall prepare an advisory report on every application for variation and submit it, together with the completed application, to the Planning and Zoning Board.

(3) Any variation proposed herein by the developer, which is in effect a variation of the provisions of Ch. 154 of this code of ordinances, shall only be allowed and granted in compliance with the provisions of Ch. 154 of this code of ordinances after a public hearing before the Planning and Zoning Board of Appeals. Nothing contained herein shall be construed as to allow a variation of lot size, setbacks or any other regulation of Ch. 154 of this code of ordinances, which is not in compliance with the provisions of § 154.212(B) of this code of ordinances.

(Prior Code, § 19-444)

(B) Review by the Planning and Zoning Board.

(1) The Planning and Zoning Board shall review the application for variation and the Code Administrator's comments, and submit its advisory report to the Board of Trustees, together with its recommendation on preliminary plat approval.

(2) The Planning and Zoning Board's advisory report shall be responsive to all the variance standards set forth in division (C) below.
(Prior Code, § 19-445)

(C) Action by the Board of Trustees.

(1) At the same meeting at which they take action on the application for preliminary plat approval, the Board of Trustees shall decide, by resolution, whether to grant or deny the requested subdivision variation.

(2) A copy of its decision, clearly stating its reasons therefor and the exact terms of any variation granted, shall be attached to both the preliminary and final plats.

(3) The Board of Trustees shall not grant any subdivision variation unless, based upon the information presented to them, it determines that:

(a) The proposed variation is consistent with the general purposes of this chapter;

(b) Strict application of the subdivision design and improvement requirements would result in great practical difficulties or hardship to the applicant, not a mere inconvenience;

(c) The proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship;

(d) The plight of the applicant is due to peculiar circumstances not of his or her own making;

(e) The peculiar circumstances engendering the variation request are not applicable to other tracts and, therefore, that a variation would be a more appropriate remedy than an amendment; and

(f) The variation if granted, will not substantially impair implementation of the community plan, including the official map.

(Prior Code, § 19-446)

(Ord. 1700, passed 3-17-2014)

§ 153.087 AMENDMENTS; PUBLIC HEARING; NOTICE; ACTION BY THE BOARD OF TRUSTEES.

(A) *General.* Amendments to this chapter may be proposed by the Code Administrator, any member of the Board of Trustees, any Planning and Zoning Board member or any party in interest. Every amendment proposal shall be filed on a prescribed form in the office of the Code Administrator, who shall promptly transmit each proposal, together with any comments or recommendations he or she may wish to make, to the Planning and Zoning Board for a public hearing.

(Prior Code, § 19-447)

(B) *Public hearing; notice.* The Planning and Zoning Board shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney. Notice indicating the time, date and place of hearing, and the nature of the proposed amendment shall be given not more than 30 days, nor less than 15 days before the hearing by publication in a newspaper of general circulation within the village.

(Prior Code, § 19-448)

(C) *Action by the Board of Trustees.* Within a reasonable time after the public hearing, the Planning and Zoning Board shall submit an advisory report to the Board of Trustees. The Board of Trustees shall act on the proposed amendment at its next regularly scheduled meeting following submission of this report. Without another public hearing, the Board of Trustees may either pass or reject the proposed amendment or may refer it back to the Planning and Zoning Board for further consideration.

(Prior Code, § 19-449)

(Ord. 1700, passed 3-17-2014)

§ 153.088 BOUNDARY ADJUSTMENTS FOR FINAL MINOR PLAT.

(A) A boundary adjustment final plat shall be filed when a subdivider/developer desires to make minor adjustments to platted lots. A boundary adjustment final plat shall meet the following conditions:

(1) Lot lines of no more than three platted lots may be adjusted on one boundary adjustment plat.

(2) The resulting lot or lots shall not be reduced below the minimum sizes and dimensions required by Ch. 154 of the Zoning Code; and

(3) The resulting lot or lots that do not conform to the above conditions shall be considered a subdivision and must follow the procedures for subdivisions set forth in this chapter.

(B) Boundary adjustments may be allowed for lawful lots existing in noncompliance with minimum area, frontage and dimensional requirements of this chapter or Ch. 154, Zoning Code, provided that resulting adjustment of lot lines does not increase the degree of non-compliance with this chapter and Ch. 154 of the this code of ordinances.

(C) A Boundary adjustment plat shall be prepared by a professional land surveyor registered in the State of Illinois. The plat shall indicate the existing and proposed adjusted lot lines. All existing buildings, other structures and easements, whether platted or not, shall be indicated.

(D) Three copies of the boundary adjustment plat shall be filed with the Code Administrator. The Code Administrator shall review the plat for conformity with the requirements set forth herein.

(E) The fee for filing of a boundary adjustment plat shall be the same as the fee for filing a Final minor subdivision plat.

(F) If the Code Administrator find such plat and adjustment in property lines to be in order and in compliance with the requirements of this Chapter and Ch. 154, the Code Administrator shall forward the plat to the Board of Trustees for approval. No review shall be conducted by the Planning and Zoning Board.

(G) The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the plat. If the Board disapproves the plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

(H) Upon approval, the owners and the Code Administrator or his deputy shall jointly file the plat with the County Recorder of Deeds within 60 days after approval by the Board of Trustees. If any such plat is not filed within this period, the approval shall expire. One copy of the filed plat shall be retained by the owner and one copy shall be retained by the Code Administrator. The fee due to the County Recorder of Deeds shall be paid by the owners.

§ 153.089 LOT CONSOLIDATION OF A MINOR FINAL PLAT.

(A) A lot consolidation plat shall be filed when the owner of two adjacent parcels desires to join the two parcels into one lot.

(B) Lot consolidations may be allowed for lawful lots existing in noncompliance with minimum area, frontage and dimensional requirements of this Chapter or Ch. 154 of this code of ordinances; provided that resulting removal of lot lines does not increase the degree of non-compliance with this Chapter or Ch. 154 of this code of ordinances.

(C) A lot consolidation plat shall be prepared by a Professional Land Surveyor registered in the State of Illinois. The plat shall indicate the existing and proposed adjusted lot lines. All existing buildings, other structures and easements, whether platted or not, shall be indicated.

(D) Three copies of the lot consolidation plat shall be filed with the Code Administrator. The Code Administrator shall review the plat for conformity with the requirements set forth herein.

(E) The fee for filing of a lot consolidation plat shall be the same as the fee for filing a final minor subdivision plat.

(F) If the Code Administrator find such plat and consolidation of parcels to be in order and in compliance with the requirements of this Chapter and Ch. 154 of this code of ordinances, the Code Administrator shall forward the plat to the Board of Trustees for approval. No review shall be conducted by the Planning and Zoning Board.

(G) The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the plat. If the Board disapproves the plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

(H) The owners and the Code Administrator or his deputy shall jointly file the plat with the County Recorder of Deeds within 60 days after approval by the Board of Trustees. If any such plat is not filed within this period, the approval shall expire. One copy of the filed plat shall be retained by the owner and one copy shall be retained by the Code Administrator. The fee due to the County Recorder of Deeds shall be paid by the owner.

§ 153.999 PENALTY.

(A) (1) Any person who violates, disobeys, omits, neglects, refuses to comply with or who resists enforcement of any provisions of this chapter shall be subject to a fine of not less than \$25, nor more than \$500, plus costs, for each offense.

(2) Each day that a violation continues after notification is given thereof shall be considered a separate offense.

(3) Notification shall be by regular mail from the village to the last known mailing address of the violator.

(4) Nothing contained in this section shall prevent the village from taking any other lawful action that may be necessary to secure compliance with this chapter.
(Prior Code, § 19-401)

(B) Any person violating the provision of § 153.053 of this chapter shall be subject to a fine of up to \$750 for each violation as set forth in § 10.99 of this code of ordinances.
(Prior Code, § 19-329)
(Ord. 1646, passed 5-7-2012; Ord. 1700, passed 3-17-2014)

CHAPTER 154: ZONING

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Zoning141

GENERAL PROVISIONS

§ 154.001 TITLE.

This chapter shall be known, cited and referred to as the “Swansea Zoning Code”.
(Prior Code, § 20-101) (Ord. 1699, passed 3-17-2014)

§ 154.002 PURPOSE AND INTENT.

This chapter is adopted so that:

- (A) Adequate light, pure air and safety from fire and other dangers may be secured;
 - (B) The taxable value of land and buildings throughout the village may be conserved;
 - (C) Congestion in public streets may be lessened;
 - (D) Hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened;
 - (E) The preservation of sites, areas and structures of historical, architectural and esthetic importance may be facilitated; and
 - (F) The public health, safety, comfort, morals and welfare may otherwise be promoted.
- (Prior Code, § 20-102) (Ord. 1699, passed 3-17-2014)

Statutory reference:

Related provisions, see 65 ILCS 5/11-13-1

§ 154.003 REGULATORY POWERS.

In order that the aforementioned purpose and intent may be achieved, the provisions of this chapter support the following regulatory powers:

- (A) To divide the entire village into districts of such number, shape, area and of such different causes as may be deemed best suited to carry out the provisions of this chapter;
- (B) To fix standards to which buildings or structures thereon shall conform;
- (C) To prohibit uses, buildings or structures incompatible with the character of such districts;

(D) To establish, regulate and limit the height and bulk of buildings to be erected;

(E) To establish, regulate and limit the building or setback lines on or along any street, traffic-way, drive, parkway or storm or flood water runoff, channel or basin;

(F) To regulate and limit the intensity of the use of lot areas;

(G) To regulate and determine the area of open spaces within and surrounding buildings or structures;

(H) To classify, to regulate and to restrict the use of property on the basis of family relationship;

(I) To prevent additions to, and alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this chapter;

(J) To provide for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located; and

(K) To encourage the direction of building development to the best advantage of the entire village.

(Prior Code, § 20-103) (Ord. 1699, passed 3-17-2014)

§ 154.004 GENERAL PROHIBITION.

It shall be unlawful within the village to create, occupy, erect or otherwise develop any lot or structure, or any part of any lot or structure, except in conformity with the provisions of this chapter. (Prior Code, § 20-104) (Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.005 JURISDICTION.

This chapter shall be applicable only within the corporate limits of the village, except where otherwise provided by law.

(Prior Code, § 20-105) (Ord. 1699, passed 3-17-2014)

§ 154.006 INTERPRETATION.

Every provision of this chapter shall be construed liberally in favor of the village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety and welfare.

(Prior Code, § 20-106) (Ord. 1699, passed 3-17-2014)

§ 154.007 CONFLICTING LAWS.

Where the conditions imposed by any provisions of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(Prior Code, § 20-107) (Ord. 1699, passed 3-17-2014)

§ 154.008 EXISTING AGREEMENTS.

This chapter is not intended to repeal any easement, covenant or other private agreement; provided that, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this chapter shall govern.

(Prior Code, § 20-108) (Ord. 1699, passed 3-17-2014)

§ 154.009 EXISTING VIOLATIONS.

(A) No building, structure or use, not lawfully existing on 4-30-1988, shall become or be made lawful solely by reason of the adoption of this chapter and to the extent that, in any manner, the unlawful buildings, structure or use is in conflict with the requirements of this chapter, the building, structure or use remains unlawful hereunder.

(B) Any building, structure or use established or altered in violation of the provisions of the ordinance which was in effect at the time of establishment or alteration of such building, structure or use shall not be validated by the adoption of this chapter.

(Prior Code, § 20-109) (Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.010 EXISTING BUILDING PERMITS.

Any building permit for a building or structure that does not conform with the provisions of this chapter that was issued prior to 5-1-1988 shall only be valid for a period of six months from the date of issuance, and no extension or re-issuance of a building permit for such buildings or structures shall be granted unless the construction has begun and is partially completed or the proposed building or structure or use is in full compliance with the provisions of this chapter.

(Prior Code, § 20-110) (Ord. 1699, passed 3-17-2014)

§ 154.011 EXISTING ZONING PERMITS.

Any zoning permit, including those for special uses and variations, which was issued prior to 5-1-1988, but was not implemented by that date, shall be invalid one year from the date of issuance or six months from the effective date of this chapter, unless substantially implemented by the applicant prior to such time.

(Prior Code, § 20-111) (Ord. 1699, passed 3-17-2014)

§ 154.012 CONTIGUOUS PARCELS.

When two or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held in one ownership, at the time of construction, such lots shall be considered a single lot.

(Prior Code, § 20-112) (Ord. 1699, passed 3-17-2014)

§ 154.013 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion and protection of the public, health, safety, morals and welfare.

(Prior Code, § 20-113) (Ord. 1699, passed 3-17-2014)

§ 154.014 COMPLIANCE.

(A) No building or structure or part thereof shall be erected, constructed, reconstructed, enlarged, moved or structurally altered; and no building structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy; nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations herein which are applicable to the zoning district in which such building, structure or land is located.

(B) Except as may otherwise be provided, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.

(C) (1) Where a structure and use thereof of land lawfully exists on 4-30-1988, and is classified by this chapter as a special use in the district where it is located, such use shall be considered a lawful special use.

(2) A special use permit issued in accordance with procedures herein set forth shall be required only for any expansion or major alteration of any such existing special use.

(3) If an existing special use ceases for a period of more than six months, the special use can only be re-established under the provisions of § 154.213 of this code of ordinances.

(D) Any legally established building, structure or use may continue subject to the provisions hereof.

(E) Any lot of record existing on 4-30-1988 which is unable to meet the requirements of this chapter as to lot area, lot width and yard requirements shall only be used in accordance with the provisions hereof.

(Prior Code, § 20-114) (Ord. 1699, passed 3-17-2014)

§ 154.015 EXEMPTIONS.

(A) As required by statute the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility is exempt from the requirements of this chapter.

(B) The provisions of this chapter shall not be enforced so as to impose regulations or required permits with respect to land within a conservation district used strictly for agricultural purposes or with respect to the erection, maintenance, repair or extension of buildings or structures used or to be used entirely for agricultural purposes; except that, all such buildings shall conform to the yard requirements, lot size requirements and building bulk limitations and sign provisions of this chapter. All non-agricultural uses of the conservation district shall be in full compliance with the provisions of this chapter.

(C) Pipelines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this chapter; provided that, any incidental or associated structures, installations or equipment except markers used in connection with such pipe lines are subject to the provisions of this chapter.

(D) Chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers or scenery lofts, tanks, ornamental towers and spires, wireless towers, radio transmission towers, radar installations, telescopes, military installations of the U.S. Government, necessary mechanical appurtenances and television or other antennas may exceed the height limitations of this chapter.

(E) No building or structure including those listed in division (D) above, which are subject to notice under Federal Aviation Regulations par. 77, shall be constructed until approved by the Federal Aviation Administration.

(Prior Code, § 20-115) (Ord. 1699, passed 3-17-2014)

§ 154.016 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the village shall render himself or herself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

(B) Any suit brought against any official, board member, agent or employee of the village, as a result of any act required or permitted in the discharge of his or her duties under this chapter shall be defended by the Village Attorney until the final determination of the legal proceedings.
(Prior Code, § 20-116) (Ord. 1699, passed 3-17-2014)

§ 154.017 SEPARABILITY.

(A) If any court of competent jurisdiction shall judge invalid any provision of this chapter, such judgment shall not affect any other provision hereof not specifically included in said judgment.

(B) Further, if such court shall adjudge invalid the application of any provision hereof to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.
(Prior Code, § 20-117) (Ord. 1699, passed 3-17-2014)

§ 154.018 DEFINITIONS.

(A) *Rules of construction.* The following rules shall be observed and applied in the interpretation of this chapter, except when the text clearly indicates otherwise.

(1) Words and phrases shall have the meanings respectively ascribed to them in division (B) below, unless the context clearly indicates otherwise; terms not defined in division (B) below shall have their standard English dictionary meanings.

(2) Words denoting the masculine gender shall include the feminine and neuter genders.

(3) Words used in the present tense shall include the future tense.

(4) Words used in the singular number shall include the plural number, and the plural the singular.

(5) The term “shall” is mandatory; the term “may” is discretionary.

(6) All distances shall be measured to the nearest integral foot. Six inches or more shall be deemed one foot.

(7) Captions (i.e., titles of sections, divisions and the like) are intended to merely facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(8) References to sections shall include all divisions within that section; but a reference to a particular division designates only that division.

(9) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(10) The word “lot” shall include plot and parcel.

(11) The words “building and/or structures” shall include all non-living improvements upon the land.

(12) The phrase “used for” shall include the phrases “designed for”, “intended for”, “occupied for or by” and “maintained for”.
(Prior Code, § 20-201)

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING. To have a common property line or district.

ACCESSORY BUILDING OR USE. A building or use which:

- (a) Is subordinate to and serves a principal building or principal use;
- (b) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (d) Is located on the same zoning lot as the principal building or potential use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

ACCESSWAY. A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

ADJACENT. Lying near or in the immediate vicinity.

ADJOINING. Touching or contiguous, as distinguished from lying near.

ADMINISTRATOR. See **ZONING ADMINISTRATOR.**

ADVERTISING. See **SIGN.**

AERIALS or **ANTENNAS.** Structures or devices used to detect or radiate electromagnetic waves; specifically, that part of a radar or of a radio-sending or radio-receiving set that consists of that apparatus that radiates waves or receives them.

AGRICULTURAL BUILDING OR STRUCTURE. Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

AGRICULTURE. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Included are truck-farming, poultry farming, bee-keeping, raising of fruit and berries, and the selling of agricultural products, but shall not include mechanized industrial animal farms. **AGRICULTURE** shall not include the commercial feeding of garbage to swine or other animals.

AISLE. A vehicular traffic-way within an off-street parking area used as a means of access/egress from parking spaces.

ALLEY. A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property.

ALTERATION. Any change in size, shape, character, occupancy or use of a building or structure.

AMENDMENT. A change in the provisions of this chapter, including the district map, properly effected in accordance with state law and the procedures set forth herein.

ANCHOR. Any approved device to which a mobile or manufactured home is tied down to keep it firmly attached to the stand on which it is placed.

ANIMAL HOSPITAL. Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT. See **DWELLING UNIT.**

APARTMENT BUILDING. See **DWELLING, MULTIPLE-FAMILY.**

ASPHALT. A mixture of petroleum by-products and gravel used for paving to form an impermeable, all-weather and dustless surface.

ATTACHED. As applied to buildings, having a common wall and/or a common roof.

AUDITORIUM. A room, hall or building made a part of a church, theater, school, recreation building or building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

AUTOMOBILE LAUNDRY. A building or portion thereof containing facilities for washing more than two automobiles, providing space, water, equipment or soap for washing of automobiles by the operator or customer. Production line methods using mechanical devices are permitted.

AUTOMOBILE REPAIR, MAJOR. The general repair, engine rebuilding or reconditioning of motor vehicles, collision service; such as body, frame and fender straightening and repair and painting of motor vehicles.

AUTOMOBILE REPAIR, MINOR. Incidental repairs, replacement of parts and motor service of automobiles, but excluding any operation specified under “automobile repair, major”.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing, sale or offering for sale at retail to the public, automobile fuels stored only in underground tanks located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories and minor automobile repair, but not including a bulk plant, conduct of major automobile repairs, automobile wrecking, automobile sales or automobile laundries; provided, however, that, the washing of individual’s automobiles where no chain conveyer is employed may be included.

AWNING. A roof-like cover, temporary in nature, which projects from the wall of a building and may overhang the public way.

BANQUET HALL. A building, or portion thereof, primarily intended to accommodate large groups of diners on special occasions.

BASEMENT. The portion of a building having more than one-half of its height below lot grade.

BASEMENT, SUBGRADE. The portion of a building, which is partly underground, but has at least one-half of its average height above lot grade.

BILLBOARD. See *SIGN, BILLBOARD*.

BLOCK. A track of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines or county lines.

BOARD OF APPEALS. The Planning and Zoning Board of the village.

BUFFER STRIP. An area of land undeveloped, except for landscaping, fences or other similar uses intended to protect a use situated on one lot from the injurious effects of the use on the adjacent lot.

BUIDABLE AREA. The area of a lot remaining after the minimum open space and/or yard requirements of this chapter have been complied with.

BUILDING. Any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind, and which is permanently affixed to the land. When a **BUILDING** is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate **BUILDING**. See also **UNIPLEX**.

BUILDING, ACCESSORY. See **ACCESSORY BUILDING OR USE**.

BUILDING, DETACHED. A building surrounded by an open space on the same lot.

BUILDING HEIGHT. The vertical distance from the sidewalk level, or its equivalent established grade opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof, to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the rise of a gable, hip or gambrel roof. Where no sidewalk level has been established, the **HEIGHT OF A BUILDING** may be measured from the mean elevation of the finished lot grade at the front of the building.

BUILDING PERMIT. A permit issued by the Building Code Administrator for the construction, erection or alteration of a structure or building.

BUILDING, PRINCIPAL. A non-accessory building in which a principal use of the lot on which it is located is conducted.

BUILDING, RESIDENTIAL. Any building that is used exclusively for permitted residential uses.

BUILDING, SERVICE. As applied to the manufactured home regulations of the Land Development Code, a building in which laundry facilities or other such service facilities are provided.

BUILDING SETBACK LINE. The minimum distance between a street right-of-way and the nearest supporting member of any structure on the lot.

BULK. A term used to indicate the size and setbacks of buildings or structures and their location with respect to one another, including:

- (a) Height and area of buildings;

- (b) Location of exterior walls in relation to lot lines, streets or other buildings;
- (c) All open space allocated to buildings; and
- (d) Amount of lot area required for each dwelling unit.

BUSINESS. An occupation, employment or enterprise, which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold or where services are offered.

CANOPY. A roof-like structure projecting from a wall and supported in whole or in part by vertical supports to the ground, and erected primarily to provide shelter from the weather.

CANOPY, SERVICE STATION. A roof-like structure, usually self-supporting and detached, and erected primarily to provide shelter from the weather at self-service gas pumps.

CAR TITLE LOAN ESTABLISHMENT. An establishment whose primary business is to offer short-term loans in exchange for the borrower's title to his or her vehicle as security.

CARPORT. An open-sided, roofed automobile shelter, usually formed by extension of the roof from the side of a building.

CENTERLINE.

- (a) The centerline of any right-of-way having a uniform width;
- (b) The original centerline, where the right-of-way has been widened irregularly; and
- (c) The new centerline, whenever a road has been relocated.

CERTIFICATE OF ZONING COMPLIANCE, FINAL. A permit issued by the Zoning Administrator indicating that a lot or newly completed structure or use complies with all pertinent requirements of this chapter and may, therefore, be occupied or used.

CERTIFICATE OF ZONING COMPLIANCE, INITIAL. A permit issued by the Zoning Administrator indicating that a proposed lot, structure or use is in conformity with the requirements of this chapter.

CHILD CARE CENTER. State-licensed day care centers, which receive preschool or school age children, or both, for short-term or extended hours of care, or out-of-school hours, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

CLINIC, MEDICAL OR DENTAL. An organization of specializing physicians or dentists, or both, who have their offices in a common building. A **CLINIC** shall not include inpatient care.

CLUB/LODGE. A not-for-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMMERCIAL USE/ESTABLISHMENT. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

COMMON OPEN SPACE. Land unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned unit development. **COMMON OPEN SPACE** may contain structures for recreational use.

CONDOMINIUM. A form of cooperative ownership, which permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific apartments. Each apartment can be owned in fee simple, with no restrictions on the sale, rental or transfer of same, other than restrictions on all real estate. **CONDOMINIUMS** must meet requirements of the state law.

CONDOMINIUMS, BUSINESS. A form of cooperative ownership, which permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific units. Each unit can be owned in fee simple, with restrictions on the sale, rental or transfer of same, other than the restrictions on all real estate. **BUSINESS CONDOMINIUMS** must meet the requirements of state law and § 154.079(H) of this chapter.

CONFORMING BUILDING OR STRUCTURE. Any building or structure which complies with all the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

CONFORMING USE. Any use which occupies a building, structure or lot and which complies with the regulations of this chapter or of any amendment hereto governing permitted and special uses for the zoning district, in which such use are located.

CONVALESCENT HOME. See **NURSING HOME, HOME FOR THE AGED, HOMES FOR ILL OR PHYSICALLY INFIRM PERSONS** and related definitions; **HOSPITAL, INTERMEDIATE CARE FACILITY, SHELTERED CARE FACILITY, SHELTERED CARE HOME** and **SKILLED NURSING FACILITY**.

CORNER LOT. See **LOT, CORNER**.

CORRECTIVE ACTION ORDER. A legally binding order issued by the Zoning Administrator in accordance with the procedures set forth herein, to effect compliance with this chapter.

COSMETIC TATTOOING. The practice commonly referred to as permanent makeup, in which micropigmentation or intradermal cosmetics are applied to permanently or semi-permanently simulate the appearance of common cosmetic applications such as eyeliner, lip liner, lip color, eyebrow

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enhancement, and beauty marks, or to otherwise permanently or semi-permanently restore or improve the appearance of damaged or disfigured skin and other bodily features to natural coloration and condition.

COURT. An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by building or buildings and is completely open to the sky.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the **CURB LEVEL** shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the **CURB LEVEL**.

DAY CARE CENTER. Any state licensed child day care facility receiving more than eight children for daytime care during all or part of the day. The term **DAY CARE CENTERS** includes facilities called **CHILD CARE CENTERS, DAY NURSERIES, NURSERY SCHOOLS, KINDERGARTENS, PLAY GROUPS** and **CENTERS OR WORKSHOPS FOR MENTALLY OR PHYSICALLY HANDICAPPED** without stated educational purposes. The term does not include:

- (a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning;
- (b) Facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or in the immediate vicinity and readily available;
- (c) Any type of **DAY CARE CENTER** that is conducted on federal government premises; or
- (d) Special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable or governmental organizations.

DAY CARE HOME. Any state licensed child day care facility receiving eight or fewer children for daytime care during all or part of the day, and within the residential premises of the person so licensed. Such homes must meet the requirements of a home occupation in order to be a permitted or special use in some districts.

DAY NURSERIES. State-licensed day care centers, which receive preschool age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the individual children served.

DETACHED. As applied to buildings, surrounded by yards on the same lot as the buildings.

DEVELOP. To erect any structure or to install any improvements on a tract of land, or to undertake any activity, such as grading, in preparation therefore.

DISTRICT. A portion of the territory of the village wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this chapter.

DRIVE-IN ESTABLISHMENTS. An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

DRIVEWAY. A minor way commonly provided vehicular access to a garage or off-street parking area.

DUPLEX. A dwelling which has accommodations for two families.

DWELLING. A building or portion thereof, but not including a house trailer, mobile home or manufactured home, designed or used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

DWELLING, ATTACHED. A dwelling containing two or more dwelling units and adjoined to other dwellings by party wall or walls, originally constructed for said purposes.

DWELLING, CONVERTED. Any building which was originally designed and constructed as a one-, two- or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

DWELLING, DETACHED. A dwelling unit, which is surrounded on all sides by open space on the same lot.

DWELLING, MULTIPLE-FAMILY. A dwelling containing three or more dwelling units, originally constructed for said purpose, and not including converted dwellings.

DWELLING, SEMI-ATTACHED. A dwelling, which is jointed to another dwelling by a garage, carport, recreational structure or other non-residential facility.

DWELLING, SINGLE-FAMILY. A dwelling containing accommodations for occupancy only by one family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by two families, each living independently of the other.

DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

EASEMENT. A right to use another person's real property for certain limited purpose.

EDUCATIONAL INSTITUTION. A public, parochial, charitable or non-profit junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closet or dining alcove directly off the principal room.

ENCLOSED. As applied to a building, covered by a permanent roof and separated on all sides from adjacent open space or other building by fixed exterior walls or by common walls, with openings only for windows and doors.

ENLARGE. To increase the size (floor area, height and the like) of an existing principal structure or accessory use, or to devote more land to an existing use.

ERECT. To build, construct.

ESSENTIAL SERVICES. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These **SERVICES** include underground, surface or overhead gas, electrical, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants and the like, but not including buildings that do not need to be in the immediate area of the uses they service.

ESTABLISHMENT. Either of the following:

(a) An institution, business, commercial or industrial activity that is the sole occupant of one or more buildings; or

(b) An institution, business, commercial or industrial activity that occupies a portion of a building such that:

1. The activity is a logical and separate entity from the other activities within the building and to a department of the whole; and
2. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entry way that has direct access to the exterior of the building.

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXISTING. Actually constructed or in the operation on the effective date of this chapter.

EXISTING GRADE. The vertical location of the existing ground surface prior to excavation or filling.

FAMILY. An individual, or two or more persons related by blood, marriage or adoption, or a group of not more than four persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities or other similar organizations.

FARM. Land being used for agricultural purposes.

FARM HOMESTEAD. The building located on a farm that is the residence of the farm owner or tenant operator.

FAST-FOOD RESTAURANT. See **RESTAURANT, FAST-FOOD.**

FENCE. Any construction of wood, metal, wire mesh, masonry or other material erected for the purpose of assuring privacy, protection or restraining animals.

FENCE, DECORATIVE. A fence intended primarily for aesthetic purposes.

FILL. Earth, gravel, small rock or rubble (not to exceed three inches in diameter) used to build up a piece of land.

FLOOD BASE ELEVATION. That elevation of the highest flood of record, determined by the Village Engineer's record of the elevations of the highest flood at locations as indicated on the floodplain map of the village on file in the office of the Village Clerk. **FLOOD BASE ELEVATIONS** at intermediate locations shall be interpolated along the watercourse between the two nearest flood base elevations, one for each upstream and downstream. The controlling flood base elevation for any building site shall be the same as the flood base elevation at the nearest point of the watercourse.

FLOODPLAIN. The area of land adjoining a watercourse or other body of water, which has been or may be hereafter covered by flood water.

FLOODPLAIN MAP. Any accepted engineering standards or mapping used to delineate the minimum flood base elevations for the village, and may include the following:

- (a) The National Flood Insurance Program Flood Insurance Rate Map for the village, as amended from time to time;
- (b) Geologic maps prepared by the State Geologic Survey;
- (c) Mapping and/or source information from the U.S. Department of Agriculture, Soil Conservation Service;
- (d) Mapping and/or source information from the County Soil and Water Conservation District; and

- (e) Maps of ground water conditions prepared by the state water survey.

FLOOD-PROOFING. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

FLOODWAY. The channel of the stream or body of water and those portions of the adjoining floodplains designated by the village as necessary to carry and discharge the flood water flow of any such river, stream or other body of water.

FLOOR AREA.

(a) For determining off-street parking and loading requirements, the sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets and any floor area devoted to retailing goods, or to business or professional offices; and

(b) However, **FLOOR AREA**, for the purposes of measurement for off-street parking spaces, shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space, or mechanical or storage floor area other than area devoted to retailing activities, to the production of goods or to business or professional offices.

FREEWAY. A traffic-way providing at least two lanes going each direction with a median strip preventing crossover between the two lanes. **FREEWAYS** are characterized by high-speed travel, limited access to adjoining property owners and generally serve as vehicle transportation routes within an urbanized area or between urban areas or states.

FRONTAGE. The portion of a lot or parcel directly abutting a dedicated street.

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building which is intended and used to store not more than four private motor vehicles owned by members of the family or families residing upon the premises, may be rented for the storage of private motor vehicles of persons not residing on the premises; except that, all the space in a garage of one or two-car capacity may be so rented. Such a garage may be used for the storage of not more than one commercial truck having a load capacity of three-fourths of a ton or less.

GARAGE, PUBLIC. Any building other than a private or storage garage where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

GARAGE, STORAGE. Any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons capacity shall be stores in any ***STORAGE GARAGE***.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GRADE, STREET. This term shall have the same meaning as the term ***CURB LEVEL***.

GRADING. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GUARANTEE OF IMPROVEMENTS. A guarantee to the village that the requirements of this chapter will be met in full by a specified date. Such ***GUARANTEE*** can be in the form of a certificate of deposit, irrevocable letter of credit, performance bond or other form that will enable the village to obtain and use funds provided by the permittee to complete the required improvements in the event the permittee fails to do so.

HARDSHIP. A condition that would result from the strict application of the terms of this chapter; provided, the following criteria are met:

(a) The condition is unique to the property and is not applicable generally to other property within the district;

(b) The situation was not created by anyone having an interest in the property;

(c) The request for a hardship variation is not based exclusively on a desire to make more money out of the property; and

(d) The hardship exists due to the particular physical characteristics of the property in question.

HOME FOR THE AGED. Any home operated not-for-profit under the auspices of a religious, fraternal, charitable or other not-for-profit organization, or by a county pursuant to 55 ILCS 5/5-22001, as heretofore or hereafter amended, or operated not-for-profit under an endowment, which through its ownership or management, and its principal objective, provides maintenance, personal care, nursing or sheltered care to aged persons, and in the conduct of which provides such service or services to three or more persons over 60 years of age.

HOME FOR ILL OR PHYSICALLY INFIRM PERSONS. A home providing meals, shelter, assistance with personal functions, general supervision and professional nursing assistance for persons, because of age or physical or mental disability, incapable of maintaining their own residence and caring for their own needs.

HOME OCCUPATION. An occupation or profession, practiced by a member of the family residing on the premises in connection with which there is no indication from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; provided that, a professional person may use his or her residence for consultation, emergency treatment or performance of religious rites.

HOSPITAL or SANITARIUM. An institution devoted primarily to the maintenance and operation of facilities of the diagnosis, treatment or care for not less than 24 hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

HOTEL. An establishment which is open to transient guests in contradistinction to a boarding, rooming or lodging house, and is commonly known as a **HOTEL** in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellboy service.

IMMOBILIZE. As applied to a mobile home, to remove the wheels, tongue and hitch and/or to place on a permanent foundation.

INDEPENDENT LIVING FACILITY. A private boarding home, institution, building, residence or other place in which its ownership or management provides living accommodations for elderly tenants without providing medical or nursing care. Said accommodations are typically independently-leased apartments or rooms that include individual sanitary, but not full cooking facilities, thus differentiating said accommodations from multi-family dwelling units as defined. Meals, maintenance and other services are typically included in the monthly lease rate. The intent of **INDEPENDENT LIVING FACILITIES** is to provide an alternative to nursing care for elderly residents who still desire to live independently, do not require medical supervision, but could benefit from the social interaction of living with other people of similar age and interests.

INTERMEDIATE CARE FACILITY. Basic nursing care and other restorative services under periodic medical direction. Many of these services may require skills in administration. Such facilities are for patients who have long-term illness or disabilities which may have reached a relatively stable plateau.

INTERSECTION. The point at which two or more public rights-of-way (generally streets) meet.

JUNK YARD. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling or handling waste or scrap materials. Such scrap materials include vehicles, machinery and equipment not in operable condition (or part thereof), and metals, glass, paper, plastics, rags and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a **JUNK YARD**. A **JUNK YARD** includes an automobile wrecking yard.

KENNEL. An establishment providing boarding or day care services for dogs, cats and/or other household pets, with indoor and outdoor play areas. Except for standard vaccinations, no medical treatment shall be provided to the animals at this facility. Animals may be groomed, trained, exercised and socialized, but not bred or sold. As an accessory to the standard boarding/day care services, a ***KENNEL*** may also be engaged in the business of retail sales of pet food and supplies. Facilities of this nature may also be known as ***ANIMAL DAY CARE FACILITIES*** or ***DOG DAY CARE FACILITIES***.

KINDERGARTEN. State-licensed day care centers which receive children between the ages of four and six years, and which are established and professionally operated primarily to conduct educational programs for early childhood development.

LABORATORY, RESEARCH. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LIVABLE FLOOR AREA. All internal floor area of a dwelling unit excluding basements, garages and utility rooms.

LOADING AND UNLOADING SPACE OR BERTH, OFF-STREET. An open, hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

LOT. A tract of land intended for the purpose, whether immediate or future, of transfer of ownership or development. A ***LOT*** may be a ***ZONING LOT*** and may or may not coincide with a ***LOT OF RECORD***.

LOT AREA, GROSS. The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly-recorded lake or river.

LOT, CORNER. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries. For the fronting of the radius of a cul-de-sac, or fronting on a "partial cul-de-sac" as a "bump out" on the outside radius of a roadway curve, ***LOT DEPTH*** shall be measured along a line perpendicular to a tangent on any point of the outside radius of the front lot line.

LOT INTERIOR. A lot other than a corner or reversed corner lot.

LOT LINE. An imaginary line at the edge or boundary of a zoning lot, or a line at the boundary of a lot of record.

LOT LINE, CORNER SIDE. The boundary of a corner lot that abuts a dedicated street other than the front lot line.

LOT LINE, FRONT. The lot line abutting a dedicated street. In the case of a corner lot, the lot line abutting the street having the least length shall be the **FRONT LOT LINE**. In the case of a through lot, the Zoning Administrator shall establish the **FRONT LOT LINE**.

LOT LINE, REAR. The boundary of a lot, which is most distant from, and is, or is most nearly, parallel to, the front lot line.

LOT LINE, SIDE. Any boundary of a lot, which is not a front lot line or a rear lot line.

LOT OF RECORD. A lot, which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, or a parcel of land, the deed to which was recorded in the office of the County Recorder of Deeds, in accordance with state law.

LOT, REVERSED CORNER. A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH (DOUBLE FRONTAGE). A lot having a pair of opposite lot lines along two, more or less, parallel dedicated streets, and which is not a corner lot.

LOT WIDTH. The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 25 feet of lot depth immediately in back of the front yard setback line.

LOT, ZONING. A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a **ZONING LOT OR LOTS** may or may not coincide with a lot of record.

MAINTENANCE. The routine upkeep of a structure, premises or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

MAJOR THOROUGHFARE. A traffic-way with at least two lanes in each direction. A **MAJOR THOROUGHFARE** may or may not be a freeway, arterial street, secondary arterial street or collector street.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis in accordance with the National Manufactured Home Construction and Safety Standards, and designed to be used as a dwelling by one family, including the plumbing, heating, air-conditioning and electrical systems contained therein.

MANUFACTURED HOME, DEPENDENT. A manufactured home, which does not have a toilet and bath or shower facilities.

MANUFACTURED HOME, INDEPENDENT. A manufactured home with self-contained toilet and bath and shower facilities.

MANUFACTURED HOME PARK. An area of land under unified ownership and control on which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosed use or intended use as part of the equipment of such manufactured home park.

MANUFACTURED HOME SPACE. Any portion of a manufactured home park designed for the use or occupancy by one manufactured home.

MANUFACTURED OFFICE. A detached structure, transportable in one or more sections, which is built on a permanent chassis, and is designed and intended to be used as an office. Such offices shall fully comply with the village's Manufactured Home Code.

MARQUEE. A roof-like structure of a permanent nature, which projects from the wall of a building and overhangs the public way.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on or permits to be engaged in or carried on, any of the activities of therapeutic massage, as defined. Exception: chiropractor offices, physical therapy facilities and offices of other licensed medical professionals.

MASSAGE, THERAPEUTIC. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft parts of the human body with the hands, or other parts of the body, or with the aid of any mechanical or electrical device, apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice, and performed by a massage therapist (as defined).

MASSAGE THERAPIST. Any person who has obtained the minimum number of hours of education as required by the state from a recognized school training in therapeutic message, and is properly licensed by the state, and who, for any consideration whatsoever, engages in the practice of therapeutic massages, as defined. Exception: chiropractors, physical therapists and other licensed medical professionals.

MASSAGE SERVICE, ON-CALL. Any business, the function that is to engage in or carry on therapeutic massages at a location designated by the customer or client rather than at a therapeutic massage establishment.

MEZZANINE. An intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

MOBILE CLASSROOM, TEMPORARY. A detached structure, built on a permanent chassis so that it is transportable in one or more sections, but specifically designed for use as a temporary accessory classroom for an established educational facility. Such **CLASSROOMS** must fully comply with the village's building codes.

MOBILE HOME. A structure, transportable in one or more sections, which was built on a permanent chassis prior to the enactment of the National Manufactured Home Construction and Safety Standards, and is designed to be used as a dwelling by one family, including the plumbing, heating, air-conditioning and electrical systems contained therein. See **MANUFACTURED HOME**.

MOBILE HOME PARK. A parcel not less than five acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this chapter.

MOBILE HOME SPACE. A portion of a mobile home park designed and improved for the placement of one mobile home and the private use of the occupants thereof.

MOBILE HOME STAND. The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

MOBILE/MANUFACTURED OFFICE. A detached structure, transportable in one or more sections, which is built on a permanent chassis and is designed and intended to be used as an office. Such offices must fully comply with the village's Manufactured Home Code.

MOBILE OR PORTABLE MARQUEE. A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard or canvas signs wrapped around supporting poles.

MODULAR HOME. Any detached single-family dwelling that is transported to the site where it will be permanently located in assembled or non-assembled form, and that fully complies with the adopted Building Code.

MOTEL. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourist. A **MOTEL** furnishes customary hotel services such as maid service, and laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. In a **MOTEL**, less than 50% of the living and sleeping accommodations are occupied or designed for occupancy by person other than transient persons.

MOTOR VEHICLE. Any passenger, vehicle, truck, tractor, tractor-trailers, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

MOTOR VEHICLE REPAIR, MAJOR AND MINOR. See *AUTO REPAIR, MAJOR AND MINOR.*

NON-CONFORMING BUILDING OR STRUCTURE. A building or structure or portion thereof lawfully existing on the effective date of this chapter or at the time of adoption of any amendment thereto, which:

(a) Was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located; and

(b) Does not comply with the bulk and other requirements of this chapter in the zoning district in which the building or structure is located.

NON-CONFORMING USE. A use which lawfully occupies a building or land on the effective date of this chapter or at the time of adoption of any amendment thereto, and which does not conform with the use regulations of the district in which it is located.

NON-CONFORMING VACANT LOTS OF RECORD. Vacant lots of record which lawfully existed on the effective date of this chapter or at the time of adoption of any amendment thereto, and which do not meet the lot size requirements of the district in which they are located.

NUISANCE. Any thing, condition or conduct that endangers health or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

NURSERY. A tract of land on which trees, shrubs and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

NURSERY SCHOOLS. State-licensed day care centers which receive children between the ages of two and six years and which are established and professionally operated primarily for educational purposes to meet the children served.

NURSING HOME. A private home, institution, building, residence or other place whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to 55 ILCS 5/5-21001, as now or hereafter amended, or any similar institution operated by a political subdivision of the state which provides, through its ownership or management, maintenance, personal care or nursing for three or more persons, not related to the applicant or owner by blood or marriage, or any similar facility in which maintenance is provided to three or more persons who by reason of illness or physical infirmity require person care or nursing.

OCCUPIED LAND AREA. For computing off-street parking and loading space requirements, that area of a lot occupied by all buildings, structures and accessory uses which in combination encompass the operation of the principal use. **OCCUPIED LAND AREA** is normally used in computing required parking for uses, which typically are not completely enclosed. Examples are vehicle sales lots and outdoor recreational facilities.

OFF-STREET LOADING. See **LOADING AND UNLOADING SPACE.**

OFFICE. Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

OPEN SALES LOT. A lot or parcel of land used or occupied for the purpose of buying, selling or trading of all goods and commodities and including the storage of same prior to sale of exchange.

OPEN SPACE. Any land developed as yards, parks, recreational areas including community centers, and landscaped green areas and exclusive of areas developed for off-street parking.

OVERLAY DISTRICT. A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding and the like.

OWNER. Any individual, corporation, partnership or other legal entity having possessory interest entitled to exclusive possession in land, buildings or possessions.

PARCEL. Contiguous land in one ownership.

PARK. Land used for active or passive recreation owned or controlled by a local park district, school district, county forest preserve district, homeowner's association, the village or another governmental entity or not-for-profit organization, including, but not limited to, playgrounds, nature trails, walking paths, swimming pools, athletic fields, basketball and tennis courts, baseball and soccer fields or similar public land within the village.

PARKING AREA, PRIVATE. An open, hard surfaced area, other than a public way or street, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building of buildings for which the parking area is developed and is necessary.

PARKING LOT. Public or private land intended for the use as a facility of parking motor vehicles. Parking may be with or without fee.

PARKING SPACE, AUTOMOBILE. Space within a public or private parking area exclusive of access drives, for the storage of one-passenger automobiles or commercial vehicles under one and one-half tons' capacity.

PARTY WALL. A fire wall on an interior lot line used for or adapted for a joint service between two buildings, or two units within the same building.

PAWN SHOP. An establishment whose primary business is to offer monetary loans in exchange for an item of value.

PAYDAY LOAN ESTABLISHMENT. An establishment whose primary business is to offer small, short-term loans to cover the borrower's expenses until his or her next payday.

PERFORMANCE BOND. See **GUARANTEE OF IMPROVEMENTS.**

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria include the following:

(a) Active intense burning, which is the rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust-powdered magnesium and pyroxylin;

(b) Closed cup flash point, which is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor, which will burn momentarily;

(c) Decibel, which is a unit, which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels;

(d) Detonable material, which is a material, which decomposes by detonation. Such material includes explosives, unstable compounds and fissionable matter;

(e) Earth-borne vibration, which is the periodic displacement, measured in inches of earth;

(f) Fireproof container, which is an enclosure of steel or concrete, but not lead or other low-melting metals or alloys, unless the lead or low-melting metals are completely encased in steel;

(g) Flash point, which is the lowest temperature at which flammable liquid will momentarily burn under the prescribed conditions. The tag flash point testers shall be authoritative;

(h) Foot candle, which is a unit of illumination; technically, the illumination at all points one-foot distance from a uniform point source of one (ten candle power);

(i) Free burning, which implies a rate of combustion described by a material, which burns actively and easily supports combustion;

(j) Frequency, which signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound;

(k) Impact noise, which is a short duration sound such as those from a foregoing hammer or punch press;

(l) Impulsive noise, which is a sound which is no longer than two seconds in duration, followed by no less than a two-second rest;

(m) Intense burning, which implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly;

(n) Microcurie, which is a one-millionth of a curie, which is a standard unit of radioactivity;

(o) Moderate burning, which implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns;

(p) Noxious matter, which is a material which is capable of causing injury to living organisms by chemical reaction and is capable of causing detrimental effects upon the physical or economic well being of individuals;

(q) Octave band, which is a prescribed interval of sound frequencies, which classifies sound according to its pitch;

(r) Odor threshold, which is the lowest concentration of odorous matter in air that will produce an olfactory response in a human being;

(s) Odorous matter, which is any matter or material that yields an odor which is offensive in any way;

(t) Particulate matter, which is material other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid;

(u) Preferred frequency octave bands, which are a standardized series of octave band prescribed by the U.S.A.S.I. in SI.6-1967, Preferred Frequencies for Acoustical Measurements;

(v) Ringelmann chart, which is a chart on which is described in the U.S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke;

(w) Ringelmann number, which is the shade of smoke as it appears on the standard Ringelmann Chart published by the U.S. Bureau of Mines Information Circular No. 8333 (1967);

(x) SCF (Standard Cubic Feet), which is the measure of the volume of a gas, at any other conditions, reduced to 1,473 pounds per square inch absolute and 60°F;

(y) Slow burning or incombustible, which implies materials, which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, not actively support combustion during an exposure for five minutes to a temperature of 1,200°F, shall be designed “incombustible”;

(z) Smoke, which is a small gas-borne particles, other than water, that form a visible plume in the air;

(aa) Sound level of an operation or use, which is the intensity of sound measured in decibels;

(bb) Sound level meter, which is an electronic instrument, which includes a microphone, an amplifier and an output meter which, measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands;

(cc) Sound pressure level, which is the intensity of a sound measured in decibels mathematically described as 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar;

(dd) Toxic matter, which is material, which is capable of causing injury to living organisms by chemical means when present in relatively small amounts;

(ee) Threshold limit value, which is the maximum allowable airborne concentration of toxic material, as established by the American Conference of Governmental Industrial Hygenists;

(ff) United States of American Standards Institute (U.S.A.S.I.) which is a national organization promulgating authoritative standards in any technical field (formerly, American Standards Association); and

(gg) Vibration, which is the period displacement of oscillation of the earth.

PERMANENT OPEN SPACE. A contiguous land area that is designed for educational, religious, recreational or institutional purposes, or such land which is recommended for such designation by the village at or before the time of approval of a subdivision or planned development.

PERMITTED USE. A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and standards of such district.

PERMITTEE. The person to whom a zoning certificate is issued.

PERSON. Any individual, firm, association, organization or corporate body.

PLANNED UNIT DEVELOPMENT. A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in a common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole and which would not otherwise be required by this chapter.

POLE BANNER. A sign attached to a utility pole that commemorates an event or a matter of significant public interest. Examples of **POLE BANNERS** may be the publicizing of the anniversary of a major public or private institution, or the identifying of a particular neighborhood or area.

PORCH. A roofed-over structure projecting out from the walls of a main structure and commonly open to the weather in part.

PREMISES. A lot and all the structures and uses thereon.

PRINCIPAL USE. The main use of land or building as distinguished from a subordinate or accessory use. A **PRINCIPAL USE** may be “permitted” or “special”.

PROPERTY LINE. An imaginary line at the edge or boundary of a zoning lot or line at the boundary of a lot of record.

PUBLIC OPEN SPACE. A publicly-owned area; including, but not limited to, the following: parks; playgrounds; forest preserves; waterways; parkways; and streets.

PUBLIC UTILITY. Any person, firm or corporation duly authorized to furnish under regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

PUBLIC WAY. Any sidewalk, street, alley, highway or other public thoroughfare.

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots, or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

RECONSTRUCT. As applied to non-conforming structures, to rebuild after damage of destruction.

RECREATIONAL VEHICLE. A term encompassing any type of vehicle used primarily for pleasure, such as travel-trailers, motor homes, boats, snowmobiles and the like.

REFUSE. Garbage (food wastes) and trash, but not sewage or industrial wastes.

RELOCATE. To move to another portion of a lot or to a different lot.

RENT-TO-OWN ESTABLISHMENT. An establishment that offers furniture, appliances, computers, jewelry and other home products and electronic goods for rental with an option of ownership.

REPAIR. To restore to sound condition, but not to reconstruct.

RESERVOIR PARKING. Off-street parking spaces or lot areas allocated to temporary standing motor vehicles awaiting entrance to a particular establishment.

RESTAURANT. A business where the dispensing of edible foodstuff and/or beverage on the premises is the principal business operation; including a cafeteria, coffee shop, lunch room, tearoom and dining room, but not including a drive-in or fast-food restaurant.

RESTAURANT, DRIVE-IN. A restaurant that dispenses foodstuff and/or beverages to persons in parked or stopped motor vehicles.

RESTAURANT, FAST-FOOD. A restaurant whose principal business is the dispensing of edible foodstuffs and/or beverages in disposable containers to be eaten on the premises or taken out. This type of restaurant is usually self-service and may include a drive-thru service window.

RESTRICTIVE. Tending to keep within prescribed limits.

RETAIL, RETAIL STORE. Sale to the ultimate consumer for direct consumption and not for resale.

RIGHT-OF-WAY. Land dedicated for street purpose.

SCHOOL. A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the state's school laws, including, pre-schools, kindergarten, elementary school, and junior and senior high schools, special education schools, vocational schools, junior colleges or colleges and universities, excluding trade, business or commercial schools. **SCHOOL** shall include all school grounds.

SCREENING. Trees, shrubs, walls, solid fences and the like used as means of view and noise control.

SEMI-FINISHED MATERIALS. Materials, which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry of assembly or manufacture into consumer goods.

SERVICE BUILDING. See **BUILDING, SERVICE.**

SERVICE STATION. A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil and automotive parts, supplies and accessories. A **SERVICE STATION** may include facilities for washing vehicles and for making minor automotive repairs.

SERVICE USE/ESTABLISHMENT. Any use or establishment where services are provided for remuneration either to individuals or to other firms.

SETBACK. The distance between the exterior lot lines and any structure on the lot.

SHELTERED CARE FACILITY. A facility, which provides care and assistance, supervision overnight and a suitable activities program. Provisions are made for medical care as necessary. Such **FACILITIES** are for individuals who do not need nursing care, but do need personal care assistance, supervision and/or oversight in meeting their daily personal needs.

SHELTERED CARE HOME. Any county sheltered care home or a sheltered care home operated as part of a county nursing home pursuant to (55 ILCS 5/5-21001) or a private boarding home, institution, building, residence or other place, whether operated for profit or not which, through its ownership or management, provides sheltered care to three or more persons who are not related to the applicant or owner by blood or marriage, or any similar facility in which maintenance is provided to three or more persons who by reason of physical infirmity require personal care.

SIGN. A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA. The area within an imaginary rectangle which, when drawn, would completely enclose all the letters, parts or symbols of a sign. Sign supports and poles, unless intrinsic to the advertising contained on the sign, are not included as part of the **SIGN AREA**.

SIGN, BILLBOARD. Any single or double-faced sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is fixed, subject to the exceptions of § 154.158 of this chapter.

SIGN, CANOPY, MARQUEE. Any sign affixed to, painted on or suspended from an awning, canopy, marquee or similar overhang.

SIGN, FLUSH-MOUNTED. Any sign mounted in such a way that the plane of its face is parallel to the plane of the wall to which it is attached, including those signs integrated into the surface of the wall itself.

SIGN, FREESTANDING. Any sign permanently mounted on a pole, pedestal, standard or base which stands apart from and is not attached to any building or structure.

SIGN, IDENTIFICATION. A sign indicating the name and address of building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

SIGN, ILLUMINATED. A sign having its own light source.

SIGN, PROJECTING. Any sign which is attached to a building or structure, but which projects from the plane of the wall to which it is attached by more than 18 inches.

SIGN, PUBLIC INTEREST. A temporary sign erected on private property which publicizes an event of general public interest that is to be held in the near future.

SIGN, WINDOW. Any sign visible from the exterior of the building or structure, which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passerby of the identity of the proprietor or business, or of the product of service which can be obtained on the premises.

SKIRTING. The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

SPECIAL USE. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such use may or may not be granted, subject to the terms of this chapter.

SPECIAL USE PERMIT. A permit issued in accordance with the provisions of this chapter to regulate development of a special use.

SPECIALIZED LIVING ACCOMMODATION. A living accommodation for individuals needing special assistance, care, supervision, support or treatment including community living facilities and community residential alternatives, as defined by statute, and including homes for the aged.

STOP WORK ORDER. A type of corrective action order used by the Zoning Administrator to halt work in progress that is in violation of this chapter.

STORAGE, OUTDOOR. The outdoor accumulation of vehicles, equipment or products, or materials for permanent or temporary holding.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a ***STORY*** exceeding 14 feet in height shall be considered as an additional ***STORY*** for each 14 feet or fraction thereof.

STORY, HALF. The portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than four and one-half feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings, less than three stories in height, a **HALF STORY** in a sloping roof shall not be counted as a story for the purposes of this chapter. In the case of multiple-family dwellings three or more stories in height, **HALF STORY** shall be counted as a story.

STREET. An improved strip of land designed for the conveyance of motor vehicles, and including any unimproved right-of-way, or any strip of land on which such improvements are planned. Any of the following may be termed a **STREET**: freeway, arterial street, secondary street, collector street, dedicated street, residential street, business street, industrial street. For the purposes of this chapter, freeways, arterial streets, secondary arterial streets, collector streets, major thoroughfares, residential streets, business streets and industrial streets may meet the requirement for dedicated **STREETS**.

STREET, ARTERIAL. A traffic-way generally providing two lanes going each direction. A median strip may or may not be present. **ARTERIAL STREETS** are characterized by moderate to high-speed travel, possible limitations on access to adjoining property owners and generally serve as vehicle transportation routes within a region.

STREET BANNER. A temporary sign spanning over the width of a public street, which publicizes an event of general public interest that is to be held in the near future. An example of a **STREET BANNER** may be the publicizing of a local festival.

STREET, BUSINESS. A street within a business district or on the boundary of a business district. A **BUSINESS STREET** may also be an arterial street, secondary arterial street or collector street or major thoroughfare.

STREET, COLLECTOR. A street which performs the function of linking the various points of vehicular access along its route and delivering such traffic to an arterial or secondary arterial street.

STREET, DEDICATED. A street designated for public use and for which the responsibility of maintenance has been accepted by federal, state, county, township or village governments.

STREET, INDUSTRIAL. A street developed to serve an industrial district.

STREET LINE. The division line between private property and a dedicated street.

STREET, PRIVATE. A traffic-way not maintained or owned by a governmental entity.

STREET, RESIDENTIAL. A dedicated street within a residential zoning district, excluding freeways, arterial streets and secondary arterial streets.

STREET, SECONDARY ARTERIAL. A traffic-way providing one or two lanes in each direction. A median strip is rarely present. ***SECONDARY ARTERIAL STREETS*** are characterized by moderate speed travel (higher speeds may be allowed in sparsely populated areas), residential access is discouraged and the length of such streets is limited.

STRINGENT. Binding, exacting.

STRUCTURAL ALTERATION. Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

STRUCTURE. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including a fence or freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a ***STRUCTURE.***

STRUCTURE, TEMPORARY. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure. A sign, billboard or other advertising device detached or projecting shall be construed to be a ***TEMPORARY STRUCTURE.***

SWIMMING POOL, PRIVATE. A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of his household and guests without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

SWIMMING POOL, PUBLIC. A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private party for gain; or by a municipality or other unit of government for the general public whether or not an admission fee is charged.

TAVERN, LOUNGE or BAR. A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

TOPOGRAPHY. The relief features or surface configuration of an area.

TOW STORAGE LOT. Any premises where vehicles are stored by the tow company on a temporary basis for retrieval by owner or legally authorized person entitled to the vehicle.

TOWING AND STORAGE COMPANY. Any person, firm, partnership or corporation engaged in towing and temporary storage of vehicles whether wrecked, abandoned, inoperable or for any other purpose.

TOWNHOUSE. A type of multi-family dwelling, one or two stories in height, in which typically the living room, dining room and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common sidewall and are owner occupied.

TRAILER. A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and has been reasonable may be equipped with wheels or other devices for transporting the structure from place to place. The term **TRAILER** shall include **CAMP CAR** and **HOUSE CAR**. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the adopted Building Code.

TRAVEL TRAILER. A manufactured home eight feet or less in width and less than 25 feet in length which is designed for temporary occupancy, generally for recreation or vacation purposes. **TRAVEL TRAILERS** shall include camping trailers within the limits of said dimensions, mounted on a motor vehicle or otherwise. **TRAVEL TRAILERS** shall not be considered a manufactured home pursuant to the provisions of Ch. 151 of this code of ordinances.

UNIFIED CONTROL. The combination of two or more tracts of land wherein each owner has agreed that his or her tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned unit development.

UNIPLEX. A dwelling which has accommodations for two families, divided by a common or party wall, in which each family area is separately owned.

USE. The purpose for which land or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

USE, LAWFUL. The use of any structure of land that conforms with all of the regulations of this chapter or any amendment hereto and which conforms with all of the codes, ordinances and other legal requirements, as existing at the time of the enactment of this chapter or any amendment thereto, for the structure or land that is being examined.

USE, NON-CONFORMING. See **NON-CONFORMING USE**.

UTILITY SUBSTATION. A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant and the like.

VACANT. As applied to a lot, no structure is situated thereon.

VALUE. Valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

VARIATION. A relaxation of the strict application of setbacks, specific parking requirements, specific signage regulations or specific floodplain regulations, for a particular lot or structure where such variations will not be contrary to the public interest and where, due to conditions peculiar to the property and the result of the actions of the applicant, a literal enforcement of those provisions of this chapter

would result in unnecessary hardship or practical difficulties. A **VARIATION**, as herein defined, shall not be granted by the Planning and Zoning Board of Appeals unless said request is in compliance with one or more of the divisions of § 154.212(B) of this chapter.

WHOLESALE ESTABLISHMENT. A business establishment engaged in selling to retailers or jobbers rather than consumers.

YARD. An open space on the same zoning lot with a building a structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this chapter. **YARD** extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD, CORNER SIDE. A side yard, which adjoins a public street.

YARD, FRONT. A yard extending along the full length of the front lot line between the side lot lines.

YARD, INTERIOR SIDE. A side yard, which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines.

ZONING ADMINISTRATOR. The person designated by the President and Board of Trustees as the officer responsible for enforcing and administering all requirements of this chapter.

ZONING DISTRICT. See **DISTRICT**.

ZONING LOT. See **LOT, ZONING**.

ZONING MAP. The map incorporated into this chapter as part hereof, designating zoning districts.

(Prior Code, § 20-202) (Ord. 1438, passed 2-8-2006; Ord. 1473, passed 11-6-2006; Ord. 1494, passed 8-7-2007; Ord. 1525, passed 7-21-2008; Ord. 1533, passed 11-17-2008; Ord. 1699, passed 3-17-2014; Ord. 1812, passed 3-5-2018)

ZONING DISTRICTS AND MAP

§ 154.030 ESTABLISHMENT OF DISTRICTS.

In order to implement the regulatory scheme of this chapter so as to achieve the objectives enumerated in § 154.002 of this chapter, the entire village is hereby divided into the following zoning districts:

<i>Zoning District</i>	<i>Minimum Area</i>
C Conservation	None
FPO Floodplain Overlay	None
HB Highway Business	2 acres
HI Heavy industrial	5 acres
LI Light Industrial	3 acres
MH-1 Manufactured Home Residential	3 acres
MH-2 Manufactured Home Residential (Park)	3 acres
MR-1 Two-Family Residential	3 acres
MR-2 Multi-Family Residential	3 acres
PB Planned Business	1 acre
SR-1 Single-Family Residential	5 acres
SR-2 Single-Family Residential	5 acres
SR-3 Single-Family Residential	5 acres
SR-4 Single-Family Residential	5 acres

(Prior Code, § 20-301) (Ord. 1699, passed 3-17-2014)

§ 154.031 MINIMUM AREA REQUIREMENT FOR DISTRICTS.

In meeting the minimum area requirement, which is intended to prevent spot zoning, zoning districts shall be comprised only of contiguous parcels and not of numerous non-contiguous parcels the acreage of which, when aggregated, happens to equal or exceed the required minimum area for that district.

(Prior Code, § 20-302) (Ord. 1699, passed 3-17-2014)

§ 154.032 ZONING MAP.

(A) *Map boundaries.* The boundaries of the listed zoning districts are hereby established as shown on the village's official zoning map. Said official map, including all notations and other information thereon, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the office of the Village Clerk.

(B) *Annual publication.* In accordance with state law (65 ILCS 5/11-13-19), the Board of Trustees shall publish the village zoning map not later than March 31 of each year if there have been any changes in zoning regulations or district boundaries during the preceding calendar year.

§ 154.033 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules shall apply.

(A) District boundary lines are either the centerline of railroads, highways, streets, alleys or easements, or the boundary lines of sections, divisions of sections, tracts or lots, or such lines extended, unless otherwise indicated.

(B) In areas not subdivided into lots or blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the divisions shown on the map, measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section or division lines or railroad rights-of-way, unless otherwise indicated.

(C) All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting on such alleys, streets, public ways, waterways and railroad rights-of-way.

(D) Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise indicated, shall be deemed to be the same as that of the abutting property up to such centerline.
(Prior Code, § 20-304) (Ord. 1699, passed 3-17-2014)

§ 154.034 ZONING OF ANNEXED LAND.

The zoning classification of any land annexed to the village shall be determined by the Board of Trustees at the time of annexation and specified in the annexation ordinance.
(Prior Code, § 20-305) (Ord. 1699, passed 3-17-2014)

§ 154.035 ZONING SUBJECT TO PRE-ANNEXATION.

(A) Where a pre-annexation agreement is in effect that precludes the changing of zoning district classifications on the subject property, the provisions of the zoning ordinance in effect on the date of annexation and the zoning district classifications specified in the pre-annexation agreement shall apply.

(B) The provisions of this chapter, or any subsequent amendments hereto, shall not apply until such time as the term of the pre-annexation agreement has expired or the owner has agreed to the application of such provisions.

(C) Within six months prior to the expiration of any such annexation agreement, the Planning and Zoning Board of Appeals shall initiate an amendment to apply the appropriate zoning classifications to the subject property once the agreement expires. Such amendments shall be in accordance with § 154.215(A) of this chapter.

(Prior Code, § 20-306) (Ord. 1699, passed 3-17-2014)

GENERAL ZONING REGULATIONS - ALL DISTRICTS**§ 154.050 UNLISTED USES PROHIBITED.**

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district, unless the Board of Trustees determines that the unlisted use is similar to and compatible with the listed uses, and allows such use by amending this chapter in accordance with § 154.214(A) of this chapter.

(Prior Code, § 20-401) (Ord. 1699, passed 3-17-2014)

§ 154.051 REGISTRATION REQUIRED FOR NON-RESIDENTIAL USE.

In order to assure that the purpose and intent of this chapter is achieved, every non-residential use of property in any zoning district in the village shall be registered with the Zoning Administrator each year during the month of April.

(A) Forms for such registration shall be provided by the Zoning Administrator and shall request, but not be limited to, the following information:

- (1) The name of the owner or operator of the non-residential use;
- (2) The location of the use;

(3) The nature of any services or products to be offered to the public whether sold at retail, wholesale or without charge;

(4) The average number of any employees to be employed at the location;

(5) The nature of any toxic or flammable compounds, chemicals or other such substances stored or used at said location; and

(6) The number of any and all certificates of registration required under the Retailers Occupation Tax Act, 35 ILCS 120/1 et seq., Service Occupation Tax Act, 35 ILCS 115/1 et seq., Use Tax Act, 35 ILCS 105/1 et seq., and any similar acts of the state.

(B) Fees for such registration shall be assessed as stated in § 110.03 of this code of ordinances. (Prior Code, § 20-402) (Ord. 1699, passed 3-17-2014)

§ 154.052 MEETING MINIMUM AREA/BULK REQUIREMENTS.

Every lot must meet the minimum area/bulk requirements of the zoning district in which it is located, as those requirements relate to lot area, dimensions and setbacks, so that requirements are met independent of, and without utilizing any portion of, any abutting lot.

(Prior Code, § 20-403) (Ord. 1699, passed 3-17-2014)

§ 154.053 EXCEPTIONS TO HEIGHT LIMITS.

(A) *Necessary appurtenances.* Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the village.

(B) *Intersections.* On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points 30 feet from the point of intersection, no obstruction, whether natural or human-made, shall intrude into the air space that is between two feet and ten feet above the level of the adjacent street.

(C) *Accessory uses.* Provided that, there shall be no height restriction on agriculture-related accessory structures, no accessory use in any zoning district shall be higher than:

(1) Fifteen feet in a conservation or any residential zoning district; or

(2) Twenty-five feet in any other zoning district.

(Prior Code, § 20-404) (Ord. 1699, passed 3-17-2014)

§ 154.054 EXCEPTIONS TO SETBACK REQUIREMENTS.

(A) *Corner lots and through lots.* Every building or structure constructed on a “corner lot” or a “through lot”, as defined, shall meet the minimum front setback requirement of the district in which it is located, for every yard area that fronts a dedicated street, unless otherwise indicated.

(B) *Built-up areas.* In all residential zoning districts, where lots having 50% or more of the frontage on one side of a street between intersections are developed with buildings, and the front setbacks of those lots do not differ by more than ten feet, the minimum required front setback between those intersections, shall be the average of the existing front setbacks; provided, however, that, in any such area, no front setback greater than 50 feet shall be required.

(C) *Accessory uses.* Any accessory use in any residential or conservation district, unless specifically indicated otherwise, may be located as close as five feet to any side or rear lot line; provided, however, that, any accessory use attached to a principal structure shall be considered to be part of that structure and must meet the setback requirements of the district in which it is located, as those requirements apply to the principal structure.
(Prior Code, § 20-405) (Ord. 1699, passed 3-17-2014)

§ 154.055 ALLOWABLE INTRUSIONS INTO YARDS.

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements.

<i>Features</i>	<i>Maximum Intrusions</i>
Attached canopies, roof overhangs	4 feet
Balconies	4 feet
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios	No limit
Porches, if not enclosed and at ground level	6 feet
Service station canopies which are at least 10 feet high	To within 10 feet of any lot line

(Prior Code, § 20-406) (Ord. 1699, passed 3-17-2014)

§ 154.056 AREA/BULK RESTRICTIONS; ACCESSORY USES.

Any “accessory use”, as defined, shall be deemed permitted in a particular zoning district if such use is accessory to a principal structure or use which is allowed in that particular zoning district as either a permitted or special use, is not used as a dwelling, and complies with the following restrictions.

(A) *Front yard restriction.* No accessory use in any zoning district shall be located in any part of any front yard that is required as a result of the setback regulations of such district.

(B) *Lot coverage restriction.* All accessory uses on any one lot in any zoning district, shall not occupy more than 30% of the rear yard area that is required as a result of setback regulations of such district.

(Prior Code, § 20-407) (Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.057 ACCESS TO LOTS REQUIRED.

(A) No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or private street that conforms to the standards set forth in ordinances of Ch. 153 of this code of ordinances.

(B) Frontage on an alley shall not be deemed as satisfying the requirement above.
(Prior Code, § 20-408) (Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.058 SEWERS AND PRIVATE SEWERAGE SYSTEMS.

In all zoning districts, the property owner of any building or place where people live, work or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements.

(A) *Requirement for public sewer connection.* Whenever the distance from the property in question to the nearest public sewer with available capacity does not exceed 200 feet, and such sewer is reasonably accessible, all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) *Allowance for private sewerage system.* Whenever the public sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage system shall be designed, constructed, operated and maintained in conformity with the following requirements:

(1) State Private Sewage Disposal Licensing Act, 225 ILCS 225/1 through 225/24, as amended from time to time;

(2) State Private Sewage Disposal Code No. 4.002, promulgated by the Director of the State Department of Public Health, as amended from time to time;

(3) Pertinent, current regulations issued by the State Environmental Protection Agency; and

(4) Applicable codes and ordinances of the village, particularly those regulating subdivisions.

(C) *Issuance of certificate of compliance.* The Zoning Administrator shall not issue any initial certificate of zoning compliance unless, following consultation with the Village Engineer, he or she is satisfied that the requirements of this section will be met.

(Prior Code, § 20-409) (Ord. 1699, passed 3-17-2014)

§ 154.059 ADDITIONAL RESTRICTIONS; SPECIFIC USES.

Because of the nature of certain specific uses, which require additional regulations in order to assure that the purpose and intent of this chapter is achieved, the following additional restrictions are applicable to the uses listed below.

(A) *Kennels.*

(1) Any lot upon which a kennel is situated shall have a minimum area of three acres.

(2) Every kennel shall be located at least 200 feet from the nearest dwelling, and at least 100 feet from any lot line.

(B) *Nursing homes.*

(1) Any lot upon which a nursing home is situated shall have a minimum width and depth of 200 feet and a minimum area of two acres.

(2) The principal building of any nursing home shall be located at least 25 feet from all lot lines.

(C) *Recreational vehicles.*

(1) No more than two recreational vehicles shall be parked on any lot in any zoning district; provided that, no restriction shall be placed upon the allowable number of recreational vehicles that may be parked on the lot of a permitted business which sells such vehicles.

(2) No recreational vehicle shall be used as a dwelling in any zoning district.

(3) No recreational vehicle shall be used as an office or for any other commercial purpose in any zoning district.

(D) *Services stations.*

(1) All gasoline pumps and other such service facilities shall be located at least 25 feet from any street, right-of-way line, side lot line or rear lot line.

(2) Every accessway to a service station shall be located at least 200 feet from the principal building of any fire station, school, public library, church, park or playground, and at least 30 feet from the intersection of any public streets.

(E) *Swimming pools.*

(1) No swimming pool, in any district, whether public or private, shall be located in any front yard or intrude into any part of any side or rear yard that is required because of the setback regulations in that district; provided, however, that, in any residential district a swimming pool may be located as close as ten feet to any side or rear lot line, inclusive of corner lots.

(a) When, in the case of a corner lot, a pool is installed in a side yard area normally restricted by setback regulations, the required wall or fence shall be a separate wall or fence, regardless of whether the pool is installed in-ground or above ground.

(b) When, in the case of a corner lot, a pool is installed in a side yard area normally restricted by setback regulations, the provisions of § 154.052 of this chapter must be followed.

(2) (a) Every in-ground swimming pool which is more than two feet deep shall be enclosed by a wall or fence at least four feet in height.

(b) Any passage through such wall or fence shall be equipped with a gate, the latch of which can be secured and locked.

(3) Every above ground swimming pool which is more than two feet deep shall be enclosed by a separate wall or fence at least four feet in height; provided, however, that, a separate wall or fence shall not be required (unless otherwise indicated by division (E)(1) above if every point of the pool wall is at least four feet above the ground).

(a) Any passage through a separate wall or fence shall be equipped with a gate the latch of which can be secured and locked.

(b) Access to a pool, the wall of which is at least four feet above the ground and which is not protected by a separate wall or fence, shall be restricted by a ladder that is raised or removed when the pool is not in use.

(F) *Utility substations.* Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility or similar facility shall be deemed a special use and shall conform to the following regulations in addition to any regulations required by said special use.

(1) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located and every building, structure or use of any such facility shall be located at least 25 feet from all lot lines, or shall meet the district setback requirements, whichever is greater.

(2) In any residential district, every such facility shall be designed, constructed and operated so that it is compatible with the residential character of the area.

(3) Screening at least ten feet in height and of sufficient density to block the view from adjacent property shall be installed around every such facility.

(4) If the installed screening is not a fence and the Zoning Administrator determines that such a facility poses a safety hazard, he or she shall require that a secure fence at least ten feet in height be installed behind the required screening.

(G) *Home occupations.*

(1) There are permitted in any residential dwelling home occupations of the type frequently found in dwellings used for residential purposes.

(2) Any home occupation shall comply with the following standards, in addition to all of the standards applicable to the district in which it is located:

(a) No person shall be employed other than members of the immediate family occupying such dwelling.

(b) No stock in trade, except articles produced by the members of the immediate family residing on the premises, shall be displayed or sold upon the premises.

(c) No alteration of the principal building shall be made which changes the character thereof as a dwelling.

(d) No more than 25 percent of the area of one story of the principal building shall be devoted to any home occupation, except the letting of rooms to roomers or boarders.

(e) The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling, except that persons furnishing child care may provide outdoor recreation on the premises.

(f) No outdoor storage shall be permitted.

(g) No home occupation shall be operated in such a manner as to cause a nuisance.

(3) Permitted home occupations include, but are not limited to, the following occupations; provided, however, that each listed occupation shall be subject to the requirements of this section as well as to any limitations specifically imposed on such occupation by this section:

(a) Artists, sculptors, or authors.

(b) Day care homes.

(c) Dressmakers, seamstresses, or tailors.

(d) Lawyers, architects, engineers, realtors, insurance agents, brokers and members of similar professions.

(e) Ministers, rabbis, priests, imams, and other leaders of religious orders.

(f) Music or dancing teachers, tutors, or similar specialized instruction, provided that the instruction shall be limited to one pupil at a time, except for occasional groups.

(g) Physicians, dentists, or other licensed medical practitioners.

(h) The letting for hire of not more than two rooms for rooming or boarding use for not more than two persons, neither of whom is a transient.

(4) Permitted home occupations shall not in any event be deemed to include the following:

(a) Animal hospitals.

(b) Barbershops or salons.

(c) Beauty parlors.

(d) Clinics or hospitals.

(e) Dance schools.

(f) Mortuaries.

(g) Nursery schools.

(h) Private clubs.

(i) Renting of trailers.

(j) Repair shops or service establishments, except the repair of electrical appliances, computers and computer equipment, cameras, or other similar small items.

(k) Restaurants.

(l) Stables or animal kennels.

(H) *Home occupations, as a special use.* Every home occupation allowed as a special use in the village shall meet the following criteria.

(1) In any residential or conservation district, no alterations shall be made to the dwelling to accommodate the home occupation which materially change the residential character of the building.

(2) The total area devoted to the home occupation shall not exceed 25% of the gross floor area of the dwelling, or 500 square feet, whichever is less.

(3) In any residential or conservation district, no unenclosed area shall be used for the storage of equipment or materials used in connection with the home occupation. For the purpose of this section, *ENCLOSED* shall mean within the dwelling, a storage building or a detached garage.

(4) No offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference, which is noticeable at or beyond the lot lines, shall be generated.

(5) At least two off-street parking spaces, in addition to those required for the residential use of the property, shall be provided.

(6) Any sign erected in connection with a home occupation, shall conform with the provisions of § 154.149 of this chapter.

(7) Only members of the family residing in the dwelling shall be employed in connection with the home occupation.

(8) No home occupation shall be established unless the owner has first registered the non-residential use of the property with the Zoning Administrator, and in accordance with § 154.051 of this chapter.

(9) Vehicular traffic to and from the site of the home occupation and occurring as a result of said activity shall not exceed four vehicles at any one interval, on a regular, continuing basis.

(I) *Agricultural activities.*

(1) (a) No barn, stable, shed or other structure intended to shelter farm animals, shall be erected closer than 300 feet from any existing dwelling, or closer than 200 feet from any lot line of any residential property, whichever distance is greater.

(a) Fences shall be erected, or other means taken, to prevent farm animals from approaching closer than 300 feet from any existing dwelling or 200 feet from any residential lot line, whichever distance is greater.

(2) (a) No agricultural equipment or commodities, including, but not limited to, baled crops, fertilizer, pesticides or herbicides, shall be stored outdoors and closer than 300 feet from any existing dwelling or 200 feet from any residential lot line, whichever distance is greater.

(b) Such equipment or commodities which are stored completely within an enclosed structure shall not be located closer than 100 feet from any residential lot line.

(J) *Fences.*

(1) *Easements and rights-of-way.* Fences shall not be constructed on or over any dedicated public drainage or public rights-of-way. Construction may be allowed in utility easements; however, owners are responsible to replace or remove, at their cost, fences, and hedges that might be removed or damaged during utility repairs/ improvements by the village or other approved entities. The village will attempt to notify owners in advance about required removals but reserves the right to remove a fence, wall, or hedge in an easement without advance notice, as emergency or other scheduling considerations warrant. Trees are prohibited in all easements and ali public rights-of-way.

(2) *Front yard.* Fences not exceeding 36 inches in height may be erected in the front yard of any lot. Provided the fence is no more than one third opaque, and the materials are made of only plastic, wood, or aluminum/iron rail in front yard areas.

(3) *Side yard.* Fences not exceeding six feet in height may be erected in the side yard of any lot provided they do not extend beyond the front setback line.

(4) *Rear yard.* Fences not exceeding six feet in height may be erected in the rear yard of any lot.

(5) *Placement offences.*

(a) Fences may be erected along lot lines.

(b) All structural or supporting members of any fence must be constructed to be within or toward the area to be enclosed. This provision will not preclude home owners to share a fence on the property line.

(6) *Illinois Drainage Code*. No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code, 70 ILCS 605/1-1 et seq.

(7) *Rights-of-way*. No fence, or other obstruction shall be erected within any public right-of-way, except by written permission of the Code Administrator.

(8) *Barbed wire and similar material*.

(a) If already constructed and installed upon property lines or property abutting streets, highways, alleyways, or any public right-of-way within a residential zoning. Up to three strands of barbed wire may be used on top of a fence abutting the public right-of-way in Planned Business, Light Industrial, Heavy Industrial zoning districts so long as the wire does not protrude beyond the property line.

(b) Any newly constructed fences containing barbed wire or similar material must be setback at least five feet from property lines and public rights-of-way, they are only permitted in planned business, light industrial, and heavy industrial zoning classifications.

(c) Fences constructed with razor wire, ribbon wire and material(s) of similar design are prohibited.

(d) Electric fences are not permitted in the village except when used to contain grazing animals in an area zoned to allow such a use. Electric fences must be set back at least five feet from the property line and/or must be enclosed by additional fencing or other barriers which prevent access to the electric fence by small children on the adjacent property.

(e) All fences not in compliance with this section shall, within 20 days of notification from the Village of Swansea, shall be removed by the owner or, upon failure to remove the fence; the Code Administrator is empowered to cause the removal of the fence, the cost of which shall be billed to the owner.

(K) *Junk yards*.

(1) No part of any junk yard, including any lot on which three or more inoperable vehicles are stored, shall be located closer than 500 feet from any residential lot line.

(2) All vehicles, parts and equipment shall be stored completely within an enclosed structure, or within an area screened by a wall, solid fence or closely-planted shrubbery at least ten feet high and of sufficient density to block the view from adjacent property.

(L) *Aerials and antennas.*

(1) In any residential or business district, no aerial or antenna shall be located in any front or side yard.

(2) In any zoning district, no aerial or antenna shall exceed the height limit regulation of the Federal Communication Commission.

(M) *Special regulations for aerials, antennas and telecommunications facilities.*

(1) *Selected definitions.*

CO-LOCATION (CO-USE). The location of two or more antenna or other telecommunication devices on a single telecommunications tower or other supporting structure.

TELECOMMUNICATIONS FACILITY. An unmanned facility consisting of a telecommunication tower and any accessory structures required to provide support services.

TELECOMMUNICATIONS TOWER.

1. A structure, excluding buildings, of at least 40 feet in height, which supports telecommunication antenna or other wireless communication equipment for either transmitting or receiving. Design examples of **TELECOMMUNICATION TOWERS** are described as follows:

- a. Monopoles;
- b. Self-supporting lattice; and
- c. Guyed.

2. The term shall not include equipment used by amateur radio operators, which meet the requirement of division (M)(3) below.

(2) *Purpose and intent.*

(a) To direct the installation of aerials, antennas and telecommunications facilities within the village;

(b) To protect the public health and safety;

(c) To protect residential areas and land uses from the potential adverse impacts of aerials, antennas and telecommunication towers;

(d) To minimize adverse visual impacts and avoid potential damage to adjacent properties from tower failure, through careful engineering, design, siting and screening;

(e) To accommodate the growing need for telecommunication facilities; and

(f) To encourage and promote co-location of existing and new telecommunication facilities as a primary option rather than construction of single-use facilities.

(3) *Special regulations.*

(a) The distance from the base of an aerial, antenna or telecommunication tower to the nearest property line shall not be less than the height of the aerial, antenna or tower.

(b) Exception: "monopole" towers will not be required to meet the setback requirements as mentioned above when designed to fail at a point equal to no more than one-third of the height of the tower when measured from the top.

(c) Six-foot high security fencing shall be installed around the base and guy anchors of all telecommunication facilities.

(d) Closely planted evergreen trees or shrubs at least six feet high shall be planted around the exterior of any security fencing and around the base and guy anchors of a telecommunication facility.

(e) Additional deciduous trees at least two inches in girth, plus evergreen trees at least six feet in height, shall be planted around the perimeter of the property (near the property lines) upon which a telecommunication facility is located in order to provide additional screening of the tower from passersby.

(f) Any person, firm or corporation wishing to construct a telecommunication tower shall seek permission to co-locate or co-use an existing tower. No person, firm or corporation shall refuse co-location of other equipment.

(g) Any person, firm or corporation wishing to construct a telecommunication tower and/or facility, shall provide a bond to the village in the amount of \$20,000 or 20% of the construction costs, whichever is less. Said bond shall be kept in full force during the time the tower and/or communication facility is in operation. The bond shall be conditioned upon full indemnity to the village should the facility become obsolete and the owner fails to remove said tower and/or facility within six months of becoming obsolete, or in the event the tower of facility falls into a state of disrepair.

(N) *Therapeutic massage establishments.* No therapeutic massage establishment shall be established, operated or maintained within the village unless the establishment complies with the following minimum requirements.

(1) Licenses of all therapeutic massage therapists operating within a therapeutic massage establishment shall be posted in plain site at all times in the establishment.

(2) No person other than licensed massage therapists (as defined) shall engage in the practice of performing massages for commercial purposes. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other facilities shall be kept in good repair and maintained in a clean and sanitary condition at all times. Wet and dry heat rooms, steam or vapor cabinets, shower compartments, pool areas and toilet areas shall be thoroughly cleaned at the end of each business day.

(3) Oils, creams, lotions and other preparations used in administering therapeutic massages shall be kept in clean, closed containers.

(4) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering therapeutic massages.

(5) All therapeutic massage establishments shall provide clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use.

(6) The main entrance door utilized by the general public, serving a therapeutic massage establishment, shall remain unlocked at all times during business hours.

(7) Business hours of operation for therapeutic massage establishments shall be between 6:00 a.m. and 10:00 p.m.

(8) No person other than licensed massage therapists (as defined) shall engage in the practice of performing massages for commercial purposes.

(9) Only massage therapists (as defined) may own, operate or be employed to engage in the practice of therapeutic massage by an on-call massage service.

(10) The sexual or genital areas of patrons shall be covered by clothes, undergarments or towels.

(11) It shall be unlawful for any person in a therapeutic massage establishment to knowingly place his or her hand(s) upon, or to touch with any part of his or her body, to fondle, in any manner, or to massage the genital area of any person.

(12) No massage therapist, employee or operator shall perform, offer or agree to perform any act which would require the touching of a patron's genital area.

(O) *Pawn shops, car title loan, payday loan and rent-to-own establishments.*

(1) *Purpose.*

(a) The purpose of this division (O) is to regulate pawn shops, car title loan, payday loan and rent-to-own establishments in order to promote the health, safety and general welfare of the citizens of the village. These types of businesses usually are directed towards people with minimal financial reserves who need funds quickly, and are not able to access other types of financing like bank loans, charge cards or family members who can lend them the needed cash or they are directed towards those who are not able to purchase certain consumer goods (such as televisions, furniture and the like) through standard purchasing methods. Therefore, it is in the best interest of the village to regulate these businesses and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of these uses within the village.

(b) The provisions of this division (O) have neither the purpose nor effect of imposing a limitation or restriction on these uses, or to deny access by these uses to their intended market.

(2) *Findings.*

(a) Pawn shops, car title loan, payday loan and rent-to-own establishments, as defined herein, should be regulated.

(b) They should be segregated from one another and from houses of worship, schools, parks and residential neighborhoods to protect the public health, welfare and safety because, inter alia, these uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, illicit drug use, decreased desirability of and negative impacts on the use of surrounding properties, blight and litter.

(c) The village has a substantial government interest in preventing each of the aforementioned adverse effects.

(3) *Location.*

(a) The property line of any pawn shop, car title loan shop, payday loan shop or rent-to-own establishment shall be no less than 300 feet from the nearest property line of any residentially-zoned property, school, park, church, synagogue or other place of worship.

(b) The property line of any pawn shop, car title loan shop, payday loan shop or rent-to-own establishment shall be no less than 650 feet from the nearest property line of any other pawn shop, car title loan shop, payday loan shop or rent-to-own establishment.

(Prior Code, § 20-410) (Ord. 1482, passed 3-5-2007; Ord. 1533, passed 11-17-2008; Ord. 1647, passed 5-21-2012; Ord. 1699, passed 3-17-2014)

SPECIFIC REGULATIONS FOR DISTRICTS

§ 154.070 “C” - CONSERVATION DISTRICT.

(A) *General.* The C Conservation District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Tracts of land in this district, which provide the village with valuable natural resources, open space and aid in maintaining the stability of the natural environment, should be preserved and protected. Tracts of land in this district, which are fertile and relatively level, may best be suited for agricultural pursuits. Other tracts in this district may have such poor soils, steep slopes, inadequate natural drainage or other problems, so that the provision and maintenance of roads, utilities and storm water drainage systems would present an impractical or burdensome expensive to the tax-paying public.
(Prior Code, § 20-501)

(B) *Permitted uses.* The following shall be considered permitted uses in the C District:

(1) Agriculture, including all uses commonly classified as such, in accordance with the requirements of § 154.059(I) of this chapter;

(2) Nurseries, greenhouses, temporary produce stands;

(3) Cemeteries;

(4) Government uses of the village;

(5) Single-family dwellings, conventionally constructed;

(6) Public libraries, playgrounds, parks and recreational or community centers or grounds;

(7) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction; and

(8) Accessory uses, buildings and structures in accordance with § 154.055 of this chapter.
(Prior Code, § 20-502)

(C) *Special uses.* The following shall be considered special uses in the C District and allowed only in accordance with § 154.213(A) of this chapter:

(1) Agricultural implements sales;

(2) Amusement facilities such as go-cart tracks and miniature golf courses;

(3) Animal hospitals;

- (4) Churches and related religious facilities;
- (5) Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business;
- (6) Golf courses of regulation size;
- (7) Government uses other than those of the village;
- (8) Home occupations in accordance with § 154.059(G) or (H) of this chapter;
- (9) Institutions such as convents, retreat houses and seminaries;
- (10) Kennels in accordance with § 154.059(A) of this chapter;
- (11) Nursing homes in accordance with § 154.059(B) of this chapter;
- (12) Telecommunication facilities, telecommunication towers;
- (13) Trucking/hauling services; and
- (14) Utility substations in accordance with § 154.059(F) of this chapter.
(Prior Code, § 20-503)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the C District.

- (1) *Minimum lot size.*
 - (a) Lot area: 62,500 square feet;
 - (b) Lot width: 250 feet; and
 - (c) Lot depth: 250 feet.
- (2) *Minimum setbacks.*
 - (a) From front lot line: 50 feet;
 - (b) From either side lot line: 20 feet; and
 - (c) From rear lot line: 50 feet.

(3) *Maximum building height.* 35 feet; provided, however, that, there shall be no height restriction on agriculture-related accessory structures.
(Prior Code, § 20-504)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the C District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-505)

(F) *Sign regulations.* Any sign erected in the C District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-506)

(G) *Supplemental regulations.* Only one dwelling shall be situated on any lot in the C District.
(Prior Code, § 20-507) (Ord. 1411, passed 5-2-2005; Ord. 1699, passed 3-17-2014)

§ 154.071 “SR-1” - SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *General.* The SR-1 Single-Family Residential District is designed to provide for larger single-family residential development and is intended to create an environment of homes on larger lots than might be typical for urbanized residential areas. The regulations for this district are intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.
(Prior Code, § 20-601)

(B) *Permitted uses.* The following shall be considered permitted uses in the SR-1 District:

- (1) Single-family dwellings;
 - (2) Government uses of the village;
 - (3) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;
 - (4) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter;
 - (5) Playgrounds, parks and recreational or community centers or grounds;
 - (6) Home occupations in accordance with § 154.059(G) or (H) of this chapter; and
 - (7) Schools, elementary and junior high.
- (Prior Code, § 20-602)

(C) *Special uses.* The following shall be considered special uses in the SR-1 District and allowed only in accordance with § 154.213(A) of this chapter:

- (1) Government uses other than those of the village;
- (2) Utility substations in accordance with § 154.059(F) of this chapter;
- (3) Home occupations in accordance with § 154.059(G) or (H) of this chapter; and
- (4) Schools, high school.

(Prior Code, § 20-603)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the SR-1 District.

(1) *Minimum lot size.*

- (a) Lot area: 12,000 square feet;
- (b) Lot width: 100 feet; and

(c) Lot depth: 120 feet; 100 feet for lots fronting on the radius of cul-de-sacs, or fronting on a “partial cul-de-sac” as a “bump out” on the outside radius of a roadway curve.

(2) *Minimum setbacks.*

- (a) From front lot line: 25 feet;
- (b) From either side lot line: ten feet; and
- (c) From rear lot line: 25 feet.

(3) *Maximum building height.* The lesser of 35 feet or two and one-half stories.

(Prior Code, § 20-604)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the SR-1 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.

(Prior Code, § 20-605)

(F) *Sign regulations.* Any sign erected in the SR-1 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.

(Prior Code, § 20-606)

(G) *Supplemental regulations.*

(1) *One structure per lot.* Only one principal structure shall be situated on any lot in the SR-1 District.

(2) *Mobile and manufactured homes restricted.* Mobile and manufactured homes shall be restricted in the SR-1 District in accordance with the following.

(a) No mobile or manufactured homes shall be brought into or placed anywhere in the SR-1 District.

(b) No existing mobile or manufactured home in the SR-1 District shall be immobilized.

(c) It shall be unlawful to replace any existing mobile or manufactured home located in the SR-1 District.

(Prior Code, § 20-607)

(Ord. 1438, passed 2-8-2006; Ord. 1699, passed 3-17-2014)

§ 154.072 “SR-2” - SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *General.* The SR-2 Single-Family Residential District is designed to provide for prime single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods and to promote similar residential development in the future.

(Prior Code, § 20-608)

(B) *Permitted uses.* The following shall be considered permitted uses in the SR-2 District:

(1) Single-family dwellings;

(2) Playgrounds, parks and recreational or community centers or grounds;

(3) Government uses of the village;

(4) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;

(5) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter;

(6) Home occupations in accordance with § 154.059(G) or (H) of this chapter; and

(7) Schools, elementary and junior high.

(Prior Code, § 20-609)

(C) *Special uses.* The following shall be considered special uses in the SR-2 District and allowed only in accordance with § 154.213(A) of this chapter:

- (1) Churches and related religious facilities;
- (2) Government uses other than those of the village;
- (3) Schools, high school;
- (4) Home occupations in accordance with § 154.059(G) or (H) of this chapter;
- (5) Utility substations in accordance with § 154.059(F) of this chapter; and
- (6) Mobile classrooms, temporary.

(Prior Code, § 20-610) (Ord. 1699, passed 3-17-2014)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the SR-2 District.

(1) *Minimum lot size.*

- (a) Lot area: 9,600 square feet;
- (b) Lot width: 80 feet; and
- (c) Lot depth: 120 feet; 100 feet for lots fronting on the radius of cul-de-sacs, or fronting on a “partial cul-de-sac” as a “bump out” on the outside radius of a roadway curve.

(2) *Minimum setbacks.*

- (a) From front lot line: 25 feet;
- (b) From either side lot line: ten feet; and
- (c) From rear lot line: 25 feet.

(3) *Maximum building height.* The lesser of 35 feet or two and one-half stories.
(Prior Code, § 20-611)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the SR-2 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-612)

(F) *Sign regulations.* Any sign erected in the SR-2 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-613)

(G) *Supplemental regulations.*

(A) *One structure per lot.* Only one principal structure shall be situated on any lot in the SR-2 District.

(2) *Mobile and manufactured homes restricted.* Mobile and manufactured homes shall be restricted in the SR-2 District in accordance with the following.

(a) No mobile or manufactured homes shall be brought into or placed anywhere in the SR-2 District.

(b) No existing mobile or manufactured home in the SR-2 District shall be immobilized.

(c) It shall be unlawful to replace any existing mobile or manufactured home located in the SR-2 District.

(Prior Code, § 20-614)

(Ord. 1438, passed 2-8-2006; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.073 “SR-3” - SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *General.* The SR-3 Single-Family Residential District is designed to provide for single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.

(Prior Code, § 20-615)

(B) *Permitted uses.* The following shall be considered permitted uses in the SR-3 District:

(1) Single-family dwellings;

(2) Playgrounds, parks and recreational or community centers or grounds;

(3) Government uses of the village;

(4) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;

(5) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter;

(6) Home occupations in accordance with § 154.059(G) or (H) of this chapter; and

(7) Schools, elementary and junior high.

(Prior Code, § 20-616)

(8) Modular homes in accordance with SR-3 District.

(C) *Special uses*. The following shall be considered special uses in the SR-3 District and allowed only in accordance with § 154.213(A) of this chapter:

(1) Churches and related religious facilities;

(2) Government uses other than those of the village;

(3) Schools, high school;

(4) Home occupations in accordance with § 154.059(G) or (H) of this chapter;

(5) Utility substations in accordance with § 154.059(F) of this chapter; and

(6) Mobile classrooms, temporary.

(Prior Code, § 20-617)

(D) *Area/bulk restrictions*. The following area/bulk restrictions shall apply to all buildings or structures in the SR-3 District.

(1) *Minimum lot size*.

(a) Lot area: 8,400 square feet;

(b) Lot width: 70 feet; and

(c) Lot depth: 120 feet; 100 feet for lots fronting on the radius of cul-de-sacs, or fronting on a “partial cul-de-sac” as a “bump out” on the outside radius of a roadway curve.

(2) *Minimum setbacks*.

(a) From front lot line: 25 feet;

(b) From either side lot line: ten feet; and

(c) From rear lot line: 25 feet.

(3) *Maximum building height*. The lesser of 35 feet or two and one-half stories.

(Prior Code, § 20-618)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the SR-3 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-619)

(F) *Sign regulations.* Any sign erected in the SR-3 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-620)

(G) *Supplemental regulations; one structure per lot.* Only one principal structure shall be situated on any lot in the SR-3 District.
(Ord. 1438, passed 2-8-2006; Ord. 1699, passed 3-17-2014)

§ 154.074 “SR-4” - SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *General.* The SR-4 Single-Family Residential District is designed to provide for single-family residential development in neighborhoods of older homes on smaller lots, typical of residential areas urbanized prior to zoning regulations. The regulations for this district are intended to stabilize and preserve existing neighborhoods while promoting the development and rehabilitation of affordable single-family dwellings.
(Prior Code, § 20-622)

(B) *Permitted uses.* The following shall be considered permitted uses in the SR-4 District:

- (1) Single-family dwellings;
 - (2) Public libraries, playgrounds, parks and recreational or community centers or grounds;
 - (3) Government uses of the village;
 - (4) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;
 - (5) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter;
 - (6) Home occupations in accordance with § 154.059(G) or (H) of this chapter;
 - (7) Modular homes in accordance with division (G)(3) below; and
 - (8) Schools, elementary and junior high.
- (Prior Code, § 20-623)

(C) *Special uses.* The following shall be considered special uses in the SR-4 District and allowed only in accordance with § 154.213(A) of this chapter:

- (1) Churches and related religious facilities;
- (2) Government uses other than those of the village;
- (3) Schools, high school;
- (4) Home occupations in accordance with § 154.059(G) or (H) of this chapter;
- (5) Utility substations in accordance with § 154.059(F) of this chapter;
- (6) Manufactured homes in accordance with division (G)(2) below; and
- (7) Mobile classrooms, temporary.

(Prior Code, § 20-624)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the SR-4 District.

(1) *Minimum lot size.*

- (a) Lot area: 6,000 square feet;
- (b) Lot width: 50 feet; and
- (c) Lot depth: 120 feet; 100 feet, for lots fronting on the radius of cul-de-sacs, or fronting on a “partial cul-de-sac” as a “bump out” on the outside radius of a roadway curve.

(2) *Minimum setbacks.*

- (a) From front lot line: 25 feet;
- (b) From either side lot line: ten feet; and
- (c) From rear lot line: 25 feet.

(3) *Maximum building height.* The lesser of 35 feet or two and one-half stories.

(Prior Code, § 20-625)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the SR-4 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.

(Prior Code, § 20-626)

(F) *Sign regulations.* Any sign erected in the SR-4 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-627)

(G) *Supplemental regulations.*

(1) *One structure per lot.* Only one principal structure shall be situated on any lot in the SR-4 District.

(2) *Manufactured homes.* Every manufactured home erected in the SR-4 District shall:

(a) Be comprised of two sections joined at the site and placed on a permanent foundation;

(b) Be located on a single lot of record;

(c) Meet all applicable Department of Housing and Urban Development codes;

(d) Be eligible for long-term mortgage financing;

(e) Be taxed as real property; and

(f) Be visually compatible with other single-family residential dwellings.

(3) *Modular homes.* Every modular home erected in the SR-4 District shall:

(a) Be placed on a permanent foundation;

(b) Be located on a single lot of record;

(c) Meet all adopted building codes and comply with all building inspection requirements;

(d) Be eligible for long-term mortgage financing;

(e) Be taxed as real property; and

(f) Be visually compatible with other single-family residential dwellings.

(4) *Replacement.* Replacement of any existing mobile or manufactured home located in the SR-4 District shall only be allowed by special use permit, and only when the replacement home is new.

(Prior Code, § 20-628)

(Ord. 1438, passed 2-8-2006; Ord. 1619, passed 7-5-2011; Ord. 1699, passed 3-17-2014)

§ 154.075 “MR-1” - TWO-FAMILY RESIDENTIAL DISTRICT.

(A) *General.* The MR-1 Two-Family Residential District is designed to provide areas suitable for single-family dwellings, duplexes and uniplexes, and to stabilize and preserve such areas for similar residential development in the future.

(Prior Code, § 20-701)

(B) *Permitted uses.* The following shall be considered permitted uses in the MR-1 District:

(1) Two-family dwellings, as defined;

(2) Single-family dwellings;

(3) Playgrounds, parks and recreational or community centers or grounds;

(4) Government uses of the village;

(5) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;

(6) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter;
and

(7) Home occupations in accordance with § 154.059(G) or (H) of this chapter.
(Prior Code, § 20-702)

(C) *Special uses.* The following shall be considered special uses in the MR-1 District and allowed only in accordance with § 154.213(A) of this chapter:

(1) Churches and related religious facilities;

(2) Government uses other than those of the village;

(3) Schools;

(4) Home occupations in accordance with § 154.059(G) or (H) of this chapter;

(5) Utility substations in accordance with § 154.059(F) of this chapter;

(6) Nursing homes in accordance with § 154.059(B) of this chapter; and

(7) Mobile classrooms, temporary.
(Prior Code, § 20-703)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the MR-1 District, except those defined as a uniplex.

(1) *Minimum lot size.*

- (a) Lot area: 12,000 square feet;
- (b) Lot width: 100 feet; and
- (c) Lot depth: 120 feet.

(2) *Minimum setbacks.*

- (a) From front lot line: 25 feet;
- (b) From either side lot line: ten feet; and
- (c) From rear lot line: 25 feet.

(3) *Maximum building height.* The lesser of 35 feet or two and one-half stories.
(Prior Code, § 20-704)

(E) *Area/bulk restrictions for a uniplex.* The following area/bulk restrictions, rather than those stipulated above, shall apply to all uniplex structures, as defined, in the MR-1 District.

(1) *Minimum lot size.*

- (a) Lot area: 6,000 square feet;
- (b) Lot width: 50 feet; and
- (c) Lot depth: 120 feet.

(2) *Minimum setbacks.*

- (a) From front lot line: 25 feet;
- (b) From either side lot line: ten feet;
- (c) From party wall lot line: none; and
- (d) From rear lot line: 25 feet.

(3) *Maximum building height.* The lesser of 35 feet or two and one-half stories.
(Prior Code, § 20-705)

(F) *Parking regulations.* Off-street parking shall be provided for every use in the MR-1 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-706)

(G) *Sign regulations.* Any sign erected in the MR-1 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-707)

(H) *Supplemental regulations.*

(1) *One building per lot.* Only one principal building shall be situated on any lot in the MR-1 District.

(2) *Mobile and manufactured homes restricted.* Mobile and manufactured homes shall be restricted in the MR-1 District in accordance with the following.

(a) No mobile or manufactured homes shall be brought into or placed anywhere in the MR-1 District.

(b) No existing mobile or manufactured home in the MR-1 District shall be immobilized.

(c) It shall be unlawful to replace any existing mobile or manufactured home located in the MR-1 District.
(Prior Code, § 20-708)
(Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.076 “MR-2” - MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) *General.* The MR-2 Multi-Family Residential District is designed to provide areas suitable the creation and maintenance of stable and enduring multiple-family housing by establishing limitations on the use, character and density of such land development so as to avoid conflicts with natural topography, existing development or the arrangement and location of existing or planned community facilities and the social needs of the community.
(Prior Code, § 20-709)

(B) *Permitted uses.* The following shall be considered permitted uses in the MR-2 District:

- (1) Multiple-family dwellings, as defined;
- (2) Condominiums;

- (3) Townhouses;
- (4) Single-family dwellings;
- (5) Playgrounds, parks and recreational or community centers or grounds;
- (6) Government uses of the village;
- (7) Specialized living accommodations, as defined;
- (8) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;
- (9) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter;
and
- (10) Home occupations in accordance with § 154.059(G) or (H) of this chapter.
(Prior Code, § 20-710)

(C) *Special uses.* The following shall be considered special uses in the MR-2 District and allowed only in accordance with § 154.213(A) of this chapter:

- (1) Two-family dwellings, as defined;
- (2) Churches and related religious facilities;
- (3) Government uses other than those of the village;
- (4) Schools;
- (5) Home occupations in accordance with § 154.059(G) or (H) of this chapter;
- (6) Utility substations in accordance with § 154.059(F) of this chapter;
- (7) Nursing homes in accordance with § 154.059(B) of this chapter; and
- (8) Mobile classrooms, temporary.
(Prior Code, § 20-711)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the MR-2 District.

- (1) *Minimum lot area.* The greater of 12,000 square feet, or 2,000 square feet per dwelling unit.

(2) *Minimum lot width.* The greater of 100 feet, or ten feet per dwelling unit, whichever is greater.

(3) *Minimum lot depth.* 120 feet.

(4) *Minimum setbacks.*

(a) From front lot line: 25 feet;

(b) From either side lot line: ten feet; and

(c) From rear lot line: 25 feet.

(5) *Maximum building height.* The lesser of 35 feet or two and one-half stories.
(Prior Code, § 20-712)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the MR-2 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-713)

(F) *Sign regulations.* Any sign erected in the MR-2 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-714)

(G) *Supplemental regulations.*

(1) *Refuse containers.* All refuse containers jointly serving residents of multi-family dwellings within this district shall be tightly-covered and placed in visually-screened areas in accordance with the following provisions.

(a) The owner of every building, structure or premises shall provide and maintain in good condition and repair, a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

(b) It shall be the duty of the owner of every building, structure or premises, to cause to be removed, at his or her own cost and expense, at least once each week, all refuse deposited in such containers.

(2) *Mobile and manufactured homes restricted.* Mobile and manufactured homes shall be restricted in the MR-2 District in accordance with the following.

(a) No mobile or manufactured homes shall be brought into or placed anywhere in the MR-2 District.

(b) No existing mobile or manufactured home in the MR-2 District shall be immobilized.

(c) It shall be unlawful to replace any existing mobile or manufactured home located in the MR-2 District.

(Prior Code, § 20-715)

(Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.077 “MH-1” - MOBILE HOME RESIDENTIAL DISTRICT.

(A) *General.* The MH-1 Mobile Home District is primarily intended to provide areas suitable for the placement of mobile homes on individual and privately-owned lots.

(Prior Code, § 20-801)

(B) *Permitted uses.* The following shall be considered permitted uses in the MH-1 District:

(1) Mobile homes or manufactured homes, in accordance with all applicable requirements of this section and this chapter;

(2) Playgrounds, parks and recreational or community centers or grounds;

(3) Government uses of the village;

(4) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;

(5) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter; and

(6) Home occupations in accordance with § 154.059(G) or (H) of this chapter.
(Prior Code, § 20-802)

(C) *Special uses.* The following shall be considered special uses in the MH-1 District and allowed only in accordance with § 154.213(A) of this chapter:

(1) Mobile home parks, in accordance with all applicable regulations of this section and this chapter;

(2) Multiple-family dwellings, as defined;

(3) Churches and related religious facilities;

(4) Government uses other than those of the village;

(5) Schools;

- (6) Home occupations in accordance with § 154.059(G) or (H) of this chapter;
- (7) Utility substations in accordance with § 154.059(F) of this chapter;
- (8) Nursing homes in accordance with § 154.059(B) of this chapter; and
- (9) Mobile classrooms, temporary.

(Prior Code, § 20-803)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the MH-1 District.

(1) *Minimum lot size.*

- (a) Lot area: 6,000 square feet;
- (b) Lot width: 50 feet; and
- (c) Lot depth: 120 feet.

(2) *Minimum setbacks.*

- (a) From front lot line: 25 feet;
- (b) From either side lot line: ten feet; and
- (c) From rear lot line: 25 feet.

(3) *Maximum building height.* The lesser of 35 feet or two and one-half stories.

(Prior Code, § 20-804)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the MH-1 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.

(Prior Code, § 20-805)

(F) *Sign regulations.* Any sign erected in the MH-1 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.

(Prior Code, § 20-806)

(G) *Supplemental regulations.*

(1) *One building per lot.* Only one principal building or structure shall be situated on any lot in the MH-1 District, and no mobile home or manufactured home shall be placed on a lot upon which another principal building exists.

(2) *Compliance with Manufactured Home Code.* Every mobile home or manufactured home in the MH-1 District shall conform to the provisions of Ch. 151 of this code of ordinances.

(Prior Code, § 20-807)

(Ord. 1699, passed 3-17-2014)

§ 154.078 “MH-2” - MOBILE HOME RESIDENTIAL DISTRICT.

(A) *General.* The MH-2 Mobile Home Residential District is designed to provide areas suitable the creation and maintenance of mobile home parks. Although “lots” in a mobile home park may not be classified as “lots of record”, for the purpose of establishing bulk/area regulations, all mobile home parks shall be developed in a manner so that zoning lots are designated for each manufactured or mobile home. For the purpose of enforcement, the restrictions in division (D) below shall apply.

(Prior Code, § 20-808)

(B) *Permitted uses.* The following shall be considered permitted uses in the MH-2 District:

(1) Mobile homes or manufactured homes, in accordance with all applicable requirements of this section and this chapter;

(2) Playgrounds, parks and recreational or community centers or grounds;

(3) Government uses of the village;

(4) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;

(5) Accessory uses, buildings and structures in accordance with § 154.056 of this chapter; and

(6) Home occupations in accordance with § 154.059(G) or (H) of this chapter.

(Prior Code, § 20-809)

(C) *Special uses.* The following shall be considered special uses in the MH-2 District and allowed only in accordance with § 154.213(A) of this chapter:

(1) Home occupations in accordance with § 154.059(G) or (H) of this chapter; and

(2) Manufactured offices, as defined, and the uses therein, but only when new.

(Prior Code, § 20-810)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the MH-2 District.

(1) *Minimum lot area.*

(a) For those parks established and approved prior to 1-1-1980, the minimum lot area shall be 2,100 square feet.

(b) For those parks established and approved after 1-1-1980, the minimum lot area shall be 4,500 square feet.

(2) *Minimum lot frontage.*

(a) Lots on a cul-de-sac: 30 feet, at the pavement; and

(b) All other lots: 50 feet, at the pavement.

(3) *Minimum setbacks, parks established and approved before 1-1-1980.*

(a) From any park property line: as established;

(b) From any park street: five feet;

(c) Open space between sides of mobile homes: ten feet;

(d) Open space between ends of mobile homes: five feet; and

(e) From any detached accessory building or structure: ten feet.

(4) *Minimum setbacks, parks established and approved after 1-1-1980.*

(a) From any park property line: 25 feet;

(b) From any park street: 15 feet;

(c) From another mobile home: 20 feet; and

(d) From any detached accessory building or structure: ten feet.

(5) *Maximum building height.* The lesser of 35 feet or two and one-half stories.
(Prior Code, § 20-811)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the MH-2 District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-812)

(F) *Sign regulations.* Any sign erected in the MH-2 District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-813)

(G) *Supplemental regulations.*

(1) *One building per lot.* Only one principal building or structure shall be situated on any lot in the MH-2 District, and no mobile home or manufactured home shall be placed on a lot upon which another principal building exists.

(2) *Compliance with Manufactured Home Code.* Every mobile home or manufactured home in the MH-2 District shall conform to the provisions of Ch. 151 of this code of ordinances.
(Prior Code, § 20-814)
(Ord. 1699, passed 3-17-2014)

§ 154.079 “HB” - HIGHWAY BUSINESS DISTRICT.

(A) *General.* The HB Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses, both retail and wholesale, which draw their patrons primarily from the motoring public. Such uses typically require direct access to major streets and large off-street parking and loading facilities.
(Prior Code, § 20-901)

(B) *Permitted uses.* Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the HB District:

- (1) Accounting, bookkeeping and auditing services;
- (2) Agricultural implements; sales and service;
- (3) Ambulance and paramedic services;
- (4) Animal hospitals and clinics;
- (5) Antique stores;
- (6) Apparel stores;
- (7) Appliance stores;

- (8) Architectural and planning services;
- (9) Art galleries, commercial;
- (10) Art and school supply stores;
- (11) Auction rooms or barns;
- (12) Auto accessory stores;
- (13) Auto dealers, new or used;
- (14) Auto driving instruction;
- (15) Auto washing, including the use of mechanical conveyers, blowers and steam cleaning;
- (16) Auto renting facilities;
- (17) Auto service stations;
- (18) Auto undercoating and rustproofing services;
- (19) Bakeries, wholesale;
- (20) Banks, Savings and Loans, and other financial institutions;
- (21) Bars, taverns, and lounges;
- (22) Barber and hairstyling shops;
- (23) Beauty parlors;
- (24) Beverages, nonalcoholic, bottling and distributing;
- (25) Bicycle stores; sales, rental and repair;
- (26) Boat sales, repair and services;
- (27) Book and stationery stores;
- (28) Bowling alleys;
- (29) Building materials and products; sales and storage;

- (30) Building trades showrooms and shops;
- (31) Business and office machine sales and services;
- (32) Business Condominiums, requirements of § 154.079 need to be met;
- (33) Bus passenger stations;
- (34) Camera stores;
- (35) Camper sales;
- (36) Candy and confectionery stores;
- (37) Catering establishments;
- (38) China and glassware stores;
- (39) Churches, chapels, temples and synagogues;
- (40) Clothing and costume rental;
- (41) Clubs and lodges;
- (42) Contractors; offices and shops;
- (43) Convenience stores;
- (44) Cosmetics;
- (45) Dairy products stores;
- (46) Dance/performing arts studios;
- (47) Department stores;
- (48) Detective agencies;
- (49) Drapery stores;
- (50) Dressmaking;
- (51) Dry cleaners and laundromats;

- (52) Dry goods stores;
- (53) Drug stores;
- (54) Dwelling, single-family;
- (55) Electrical repair services;
- (56) Employment agencies;
- (57) Engineering and surveying services;
- (58) Equipment rental and leasing services;
- (59) Extermination services;
- (60) Fast-food or drive-in restaurants;
- (61) Farmers co-ops;
- (62) Floor covering stores;
- (63) Floral shops;
- (64) Funeral parlors;
- (65) Furniture stores;
- (66) Garages, public;;
- (67) Gift shops;
- (68) Glass cutting and glazing establishments;
- (69) Governmental uses of the village;
- (70) Grocery stores;
- (71) Gymnasiums, health clubs, and spas;
- (72) Hardware stores;
- (73) Hobby shops;

- (74) Home appliance stores, repair shops;
- (75) Ice cream stores;
- (76) Indoor movie theaters;
- (77) Indoor tennis or racquetball clubs;
- (78) Insurance agencies;
- (79) Jewelry stores;
- (80) Laboratories; medical, dental, or optical;
- (81) Landscaping services;
- (82) Lithographers;
- (83) Leather goods and luggage stores;
- (84) Locksmiths;
- (85) Machinery sales and services;
- (86) Mail order houses;
- (87) Martial arts studios;
- (88) Meat markets;
- (89) Medical and dental clinics, supplies;
- (90) Messenger and telegraph services;
- (91) Mobile and manufactured home sales;
- (92) Model homes and garage displays;
- (93) Monument sales;
- (94) Motels;
- (95) Motor vehicle repair and servicing facilities;

- (96) Motorcycle sales;
- (97) Music stores;
- (98) Newspaper and periodical publishers;
- (99) Notions stores;
- (100) Nurseries and greenhouses;
- (101) Office supply and stationery stores;
- (102) Offices including medical, dental, legal, optical philanthropic, charitable, fraternal, not-for-profit, and other such services;
- (103) Package liquor stores;
- (104) Paint and wallpaper stores;
- (104) Painting and decorating businesses;
- (106) Parking lots and garages;
- (107) Parks and playgrounds;
- (108) Payday loan establishments;
- (109) Pet shops or animal hospitals in an enclosed building;
- (110) Photography, commercial studio;
- (111) Police or fire stations;
- (112) Post offices;
- (113) Public libraries, art galleries, and museums;
- (114) Radio and television stations;
- (115) Radio, television, and stereo sales;
- (116) Real estate agencies;
- (117) Record stores;

- (118) Recording or sound studios;
- (119) Recreational and community centers;
- (120) Recreational vehicle sales;
- (121) Rectories, parsonages, and parish houses;
- (122) Repair shops; shoes and clothing;
- (123) Restaurants;
- (124) Sharpening and grinding businesses;
- (125) Shoe stores;
- (126) Sporting goods stores;
- (127) Swimming pools, public or private;
- (128) Tailors;
- (129) Taxicab garages;
- (130) Telephone exchange and equipment buildings;
- (131) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction;
- (132) Tennis clubs and courts, outdoors;
- (133) Tire, battery, and other motor vehicle accessory services;
- (134) Tobacco shops;
- (135) Toy stores;
- (136) Trailer sales and rentals (house trailers);
- (137) Travel agencies;
- (138) Variety stores;
- (139) Veterinary clinics;

(140) Video Stores, rental and sales;

(141) Accessory uses, buildings, and structures in accordance with § 154.056.

(C) *Special uses.* Provided, all the use restrictions of this district are observed, the following shall be considered special uses in the HB District and allowed only in accordance with § 154.213(A) of this chapter:

(1) Amusement establishments;

(2) Athletic fields;

(3) Arboretums or botanical gardens;

(4) Arcades or amusement halls;

(5) Archery ranges;

(6) Billiard and pool halls;

(7) Business, art, dance or commercial schools;

(8) Colleges, junior colleges, and universities;

(9) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations;

(10) Day care centers, nursery schools, and pre-schools;

(11) Development less than 175 feet from any public school;

(12) Dormitories;

(13) Dwelling, multiple-family;

(14) Elementary and Jr. high schools;

(15) Fairgrounds and exhibition grounds;

(16) Federal, state, county or municipal garages;

(17) Forest preserves;

- (18) Gaming establishments;
- (19) Golf courses; public and private;
- (20) Golf driving ranges;
- (21) Governmental uses other than those of the village;
- (22) Greenhouses;
- (23) High schools;
- (24) Historic sites;
- (25) Hookah lounges;
- (26) Hospitals;
- (27) Hotels;
- (28) Indoor skating rinks;
- (29) Independent living facility;
- (30) Kennels;
- (31) Kiddie parks;
- (32) Meeting halls;
- (33) Massage establishments (as defined), in accordance with this chapter;
- (34) Miniature golf courses;
- (35) Mobile classrooms, temporary;
- (36) Motels;
- (37) Racetracks;
- (38) Seminaries, monasteries, convents, and retreat houses;
- (39) Shooting ranges;
- (40) Stadiums and auditoriums;

- (41) Telecommunication facilities;
- (42) Towing services;
- (43) Transit or transportation facilities;
- (44) Utility substations in accordance with Section 20-416;
- (45) Vocational schools;
- (46) Warehousing and storage;
- (47) Wholesale business's.

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the HB District.

(1) *Minimum lot size.*

- (a) Lot area: 18,000 square feet;
- (b) Lot width: 120 feet; and
- (c) Lot depth: 150 feet.

(2) *Minimum setbacks.*

- (a) From front lot line: 30 feet;
- (b) From either side lot line: 20 feet; and
- (c) From rear lot line: 25 feet.

(3) *Maximum building height.* Three stories, with a maximum height of 50 feet.
(Prior Code, § 20-904)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the HB District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-905)

(F) *Sign regulations.* Any sign erected in the HB District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.
(Prior Code, § 20-906)

(G) *Supplemental regulations.* The purpose of this section is to provide visual buffers and reduce the negative effects associated with accessory functions of business establishments, which may be detrimental to other property values in the immediate area. Accessory functions can include, but not be limited to, outside storage, outside repairs and outside displays of merchandise. Proper screening of refuse containers and outside storage areas can reduce the unsightliness associated with these areas. Also, visual screening between commercial and residential districts helps ease the transition from one district to the next. Overall, these regulations are intended to make commercial properties more aesthetically pleasing to all adjacent properties and the motoring public.

(1) *Repairs indoors.* All repair and maintenance services shall be conducted completely within enclosed structures.

(2) *Outside storage.* Outside storage areas may be open to the sky, but shall be enclosed by a wall or solid fence at least eight feet high.

(3) *Outside display of merchandise.* Merchandise displayed outside of any structure within any business district, whether placed on the ground, on a platform or on or in a vehicle, shall be displayed no less than 30 feet from the front property line. Exceptions:

- (a) Automobile, truck, motorcycle, RV and boat dealerships;
- (b) Merchandise displayed between gasoline dispenser pumps at auto service stations;
- (c) Lumber yards; and
- (d) Rental equipment

(4) *Refuse containers.* All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas and in accordance with the following provisions Exception: containers used for paper recycling are not required to be placed within visually screened areas.

(a) The standard refuse container required by this chapter shall be a receptacle of impervious material and sturdy construction, with a tight-fitting cover and equipped with handles properly placed to facilitate handling.

(b) The occupant of every building, structure or premises used or maintained in connection with any business or occupation, shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

(c) It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation, to cause to be removed, at his or her own cost and expense, at least once each week, all refuse produced therein.

(d) Every person owning or controlling any hotel, restaurant, café or retail food establishment where more than 32 gallons of refuse is normally produced each week shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his or her premises and to be disposed of at his or her own expense.

(5) *Screening.* Along the side and rear lot lines of any business use which abut a residential district, screening shall be installed in the form of a wall, solid fence or closely-planted shrubbery, which is at least six feet high and which completely blocks the view from the adjacent residential property.
(Prior Code, § 20-907)

(H) *Special regulations, business condominiums.*

(1) Business condominiums shall be required to conform to all of the area bulk restrictions contained in division (D) above. The minimum lot size shall be determined by measurements of the lot upon which the structure shall be situated. Minimum setbacks shall be determined from the location of the building structure upon the building lot. Private ownership of individual portions of a building shall in no way effect minimum setback requirements for that lot.

(2) All uses which occupy a building condominium unit must be in conformity with division (B) above, reflecting permitted uses in a Highway Business District or may be special uses permitted under division (C) above; provided, however, that, all procedures and requirements of the Land Development Code with regard to special uses have been complied with.

(3) The developer of a business condominium unit shall submit a maintenance agreement, which shall be signed by each individual owner of any unit within the condominium complex. Said maintenance agreement shall provide for cooperative maintenance of all common areas including parking areas so as to ensure for the future maintenance of the business condominium.
(Prior Code, § 20-908)

(Ord. 1464, passed 8-7-2006; Ord. 1473, passed 11-6-2006; Ord. 1699, passed 3-17-2014)

§ 154.080 “PB” - PLANNED BUSINESS DISTRICT.

(A) *General.*

(1) The PB Planned Business District is intended to provide for maximum commercial site design and utilization in areas favorable for commercial growth, but which may experience a variety of developmental problems. These problems may relate to existing or future traffic patterns, land acquisition, topography, utilities and related areas. The PB District provides maximum flexibility for the developer to create an attractive, profitable, commercial enterprise while allowing the village to maximize vehicular and pedestrian safety, reduce potential capital expenditures for public improvements and create a more attractive community.

(2) Although the primary intent of the PB District is to provide for commercial development, the district also provides for the combination of different types of uses into a planned unit development. As an example, a parcel of property could be utilized as a planned unit development and contain a restaurant, retail shops, offices and multiple-family housing, all coexisting as an integrated complex.
(Prior Code, § 20-909)

(B) *Permitted uses.* The following uses shall be permitted in the PB District; provided, they are approved by the Board of Trustees and conform to such conditions and restrictions as the Board of Trustees may deem reasonably necessary or appropriate for the health, safety and welfare of the public:

- (1) Accounting, bookkeeping and auditing services;
- (2) Agricultural implements; sales and service;
- (3) Ambulance and paramedic services
- (4) Amusement establishments;
- (5) Animal hospitals and clinics;
- (6) Antique stores;
- (7) Apparel stores;
- (8) Appliance stores;
- (9) Arcades or amusement halls;
- (10) Architectural and planning services;
- (11) Art galleries, commercial;
- (12) Art and school supply stores;
- (13) Auction rooms or barns;
- (14) Auto accessory stores;
- (15) Auto dealers, new or used;
- (16) Auto driving instruction;
- (17) Auto laundries and car washing facilities

- (18) Auto renting facilities;
- (19) Auto repair, major’;
- (20) Auto repair, minor;
- (21) Auto service stations;
- (22) Auto undercoating and rustproofing services;
- (23) Bakeries;
- (24) Banks, savings and loans, and other financial institutions;
- (25) Bars, taverns, and lounges;
- (26) Barber and hairstyling shops;
- (27) Beauty parlors;
- (28) Bicycle stores; sales, rental and repair;
- (29) Boat sales;
- (30) Book and stationery stores;
- (31) Bowling alleys;
- (32) Building materials and products; sales and storage;
- (33) Building trades showrooms and shops;
- (34) Business and office machine sales and services;
- (35) Bus passenger stations;
- (36) Camera stores;
- (37) Camper sales;
- (38) Candy and confectionery stores;
- (39) Catering establishments;

- (40) Child care centers;
- (41) China and glassware stores;
- (42) Churches, chapels, temples and synagogues;
- (43) Clothing and costume rental;
- (44) Clubs and lodges;
- (45) Condominiums;
- (46) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, skilled nursing homes, and specialized living accommodations;
- (47) Convenience stores;
- (47A) Cosmetic tattooing;
- (48) Dairy products stores;
- (49) Dance/performing arts studios;
- (50) Department stores;
- (51) Detective agencies;
- (52) Drapery stores;
- (53) Dressmaking;
- (54) Dry cleaners and laundromats;
- (55) Dry goods store;
- (56) Drug stores;
- (57) Dwelling, multiple-family, conventionally constructed;
- (58) Dwelling, single-family, conventionally constructed;
- (59) Dwelling, two-family, conventionally constructed;
- (60) Electrical repair services;

- (61) Employment agencies;
- (62) Engineering and surveying services;
- (63) Equipment rental and leasing services;
- (64) Extermination services;
- (65) Fast-food or drive-in restaurants;
- (66) Floor covering stores;
- (67) Floral shops;
- (68) Funeral parlors;
- (69) Furniture stores;
- (70) Gift shops;
- (71) Governmental uses of the village;
- (72) Grocery stores;
- (73) Gymnasiums, health clubs, and spas;
- (74) Hardware stores;
- (75) Hobby shops;
- (76) Home appliance stores;
- (77) Ice cream stores;
- (78) Independent/supportive living facilities;
- (79) Indoor movie theater;
- (80) Indoor tennis or racquetball clubs;
- (81) Insurance agencies;
- (82) Jewelry stores;
- (83) Kennels;

- (84) Laboratories; medical, dental, or optical;
- (85) Landscaping services;
- (86) Libraries;
- (87) Lithographers;
- (88) Leather goods and luggage stores;
- (89) Locksmiths;
- (90) Martial arts studios;
- (91) Machinery sales and services;
- (92) Mail order houses;
- (93) Meat markets;
- (94) Medical and dental clinics;
- (95) Messenger and telegraph services;
- (96) Massage establishments (as defined), in accordance with this chapter;
- (97) Miniature golf courses;
- (98) Mobile and manufactured home sales;
- (99) Mobile classrooms, temporary;
- (100) Model homes and garage displays;
- (101) Monument sales;
- (102) Motor vehicle repair and servicing facilities;
- (103) Motorcycle sales;
- (104) Music stores;
- (105) Newspaper and periodical publishers;
- (106) Notions stores;

- (107) Nurseries and greenhouses;
- (108) Office supply and stationery stores;
- (109) Offices including medical, dental, legal, philanthropic, charitable, fraternal, not-for-profit, and other such services;
- (110) Package liquor stores;
- (111) Paint and wallpaper stores;
- (112) Painting and decorating businesses;
- (113) Parking lots and garages;
- (114) Parks and playgrounds;
- (115) Payday loan establishments;
- (116) Pet shops;
- (117) Photography, commercial studio;
- (118) Planned unit developments;
- (119) Post offices;
- (120) Public libraries, art galleries, and museums;
- (121) Radio and television stations;
- (122) Radio, television, and stereo sales;
- (123) Real estate agencies;
- (124) Record stores;
- (125) Recording or sound studios;
- (126) Recreational and community centers;
- (127) Recreational vehicle sales;
- (128) Rectories, parsonages, and parish houses;

- (129) Repair shops; shoes and clothing;
- (130) Restaurants;
- (130A) Retail ice and water vending;
- (131) Sharpening and grinding businesses;
- (132) Shoe stores;
- (133) Sporting goods stores;
- (134) Swimming pools, public or private;
- (135) Tailors;
- (136) Taxi cab garages;
- (137) Telephone exchange and equipment buildings;
- (138) Telecommunication facilities;
- (139) Tennis clubs and courts, outdoors;
- (140) Tire, battery, and other motor vehicle accessory services;
- (141) Tobacco shops;
- (142) Townhouses;
- (143) Toy stores;
- (144) Travel agencies;
- (145) Variety stores;
- (146) Video Stores, rentals and sales; and
- (147) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

(C) *Sign regulations.* Any sign erected in the PB District shall conform to the provisions of §§ 154.115 through 154.133 of this chapter.
(Prior Code, § 20-911)

(D) *Special procedures for the PB District.* The provisions of this section shall apply to new construction and to those additions, alterations and accessory uses exceeding 15% of the area of any existing structure.

(1) *Required site plan submissions.* The developer shall submit a site plan containing the following pertinent information to the Zoning Administrator:

- (a) The existing natural topographic features of the project area and its immediate surroundings;
- (b) The number of any proposed dwelling units by type and gross density per acre;
- (c) The location, size, character and number of all proposed buildings, structures and uses;
- (d) The location and size of proposed off-street parking, loading and pedestrian and vehicular traffic circulation; and its relationship to the adjacent circulation system;
- (e) Landscaping, erosion and sedimentation control features;
- (f) Location of public and/or private utilities and facilities proposed to serve the subject area, including water supply, sewage and drainage facilities;
- (g) Proposed finished grade of the site; and
- (h) Perspective or such other drawings as are necessary to indicate the relative character and compatibility of the different land uses of the proposed development with the immediate area as well as within the project area.

(2) *Required narrative submissions.* The developer shall submit a written narrative containing at least the following pertinent information to the Zoning Administrator:

- (a) A development schedule providing guidelines and sequence for the completion of the proposed development;
- (b) A description of the economic viability of the development may be required to include a market analysis, cash flow projections and expected types of funding;
- (c) The nature and extent of clearing and grading; and
- (d) A statement of the present ownership of all land within the subject area. Unified control after construction shall include homeowner associations, trust indentures, deed restrictions and other building agreements for assuring operation and maintenance of common land and improvements.

(3) *Required impact statement.* Unless specifically exempted, the developer shall submit an impact statement containing at least the following pertinent information to the Zoning Administrator:

(a) Anticipated kinds of commercial and industrial development and the projected employment;

(b) Volume and nature of projected traffic;

(c) Sewage generation and treatment; and

(d) Drainage facility and system requirements.

(Prior Code, § 20-912)

(E) *Issuance of permits.*

(1) *General.* The Zoning Administrator shall not issue any permit for any proposed development restricted by the special procedures listed under division (D) above until:

(a) The developer has submitted all pertinent information listed in division (D) above;

(b) The Planning Commission has reviewed the proposed development and has found that said proposed development complies with the provisions of division (D) above;

(c) The Village Board of Trustees has acted on the Planning Commission's recommendation, and has imposed any necessary conditions on a development proposal in order to assure compliance with the provisions of division (D) above; and

(d) The developer has revised his or her proposal as necessary to conform to the conditions imposed by the Board of Trustees.

(2) *Issuance of certificate of occupancy.* The Zoning Administrator shall not issue a certificate of occupancy for a development in the PB District until such development has been substantially completed in accordance with the approved development plan.

(3) *Minor changes to approved plans.* Minor changes in approved development plans may be made provided that said plans are reviewed by the Planning Commission to assure compliance with the terms of division (D) above.

(4) *Duration of approval.* The approval of any proposed development within the Planned Business District shall be invalid one year after approval by the Board of Trustees unless the development, as submitted and approved, has been substantially implemented by the developer.
(Prior Code, § 20-913)

(F) *Outside display of merchandise.*

(1) Merchandise displayed outside of any structure within any business district, whether placed on the ground, on a platform or on or in a truck, shall be displayed no less than 30 feet from the front property line.

(2) Exceptions:

- (a) Automobile, truck, motorcycle, RV and boat dealerships;
- (b) Merchandise displayed between gasoline dispenser pumps at auto service stations;
- (c) Lumber yards; and
- (d) Rental equipment.

(Prior Code, § 20-914)

(Ord. 1455, passed 6-5-2006; Ord. 1473, passed 11-6-2006; Ord. 1475, passed 11-6-2006; Ord. 1545, passed 4-20-2009; Ord. 1699, passed 3-17-2014; Ord. 1749, passed 4-25-2016; Ord. 1812, passed 3-5-2018; Ord. 1817, passed 4-16-2018)

§ 154.081 “LI” - LIGHT INDUSTRIAL DISTRICT.

(A) *General.* The LI Light Industrial District is intended to provide for areas where light industry, research facilities, warehouses and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

(Prior Code, § 20-1001)

(B) *Permitted uses.* Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the LI District:

- (1) Assembly of semi-finished materials;
- (2) Auto repair, major;
- (3) Auto repair, minor;
- (4) Auto service stations;
- (5) Auto undercoating and rust-proofing services;
- (6) Auto laundries and car washing facilities;

- (7) Building materials and products, sales and storage;
 - (8) Building trades showrooms and shops;
 - (9) Bus passenger stations;
 - (10) Concrete mixing plants;
 - (11) Contractor or construction yards;
 - (12) Equipment rental and leasing services;
 - (13) Federal, state, county or municipal garages;
 - (14) Governmental uses;
 - (15) Laboratories, research and testing;
 - (16) Landscaping services;
 - (17) Microwave and radar tower installations;
 - (18) Monument manufacturing and sales;
 - (19) Motor vehicle repair and servicing facilities;
 - (20) Printing, publishing and lithography establishments;
 - (21) Public utility companies;
 - (22) Sharpening and grinding businesses;
 - (23) Telecommunication facilities, telecommunication towers;
 - (24) Towing services;
 - (25) Transit or transportation facilities;
 - (26) Warehousing and wholesaling establishments; and
 - (27) Utility substations.
- (Prior Code, § 20-1002)

(C) *Special uses.* Provided all the use restrictions of this district are observed, the following shall be considered special uses in the LI District and allowed only in accordance with the § 154.213(A) of this chapter:

- (1) Junk yards;
- (2) Towing and storage companies; and
- (3) Tow storage lots.

(Prior Code, § 20-1003)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the LI District.

- (1) *Minimum lot size.*
 - (a) Lot area: 18,000 square feet;
 - (b) Lot width: 120 feet; and
 - (c) Lot depth: 150 feet.

(2) *Minimum setbacks.*

- (a) From front lot line: 30 feet;
- (b) From either side lot line: 20 feet; and
- (c) From rear lot line: 25 feet.

(3) *Maximum building height.* 60 feet.

(Prior Code, § 20-1004)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the LI District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.

(Prior Code, § 20-1005)

(F) *Sign regulations.* Any sign erected in the LI District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.

(Prior Code, § 20-1006)

(G) *Supplemental regulations.*

(1) *No nuisances.* No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences shall include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare and noxious odors.

(2) *Activities enclosed.* All production, processing, cleaning, servicing, testing or repair activities shall be conducted completely within enclosed buildings.

(3) *Outside storage.* Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least eight feet high.

(4) *Buffer strips.* Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a 20-foot wide buffer strip consisting of densely planted shrubbery that is at least five feet high when planted and that can be expected to reach a height of ten feet when full grown.

(5) *Dangerous materials.* No building, structure or use within the LI District shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

(Prior Code, § 20-1007)

(Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.082 “HI” - HEAVY INDUSTRIAL DISTRICT.

(A) *General.* The HI Heavy Industrial District is intended to provide for areas where heavy industries may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

(Prior Code, § 20-1008)

(B) *Permitted uses.*

(1) Manufacturing and industrial activities, including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging and storage of materials, products and goods that can be conducted wholly within enclosed buildings;

(2) Assembly of semi-finished materials;

(3) Auto repair, major;

(4) Auto repair, minor;

- (5) Auto service stations;
- (6) Auto undercoating and rust-proofing services;
- (7) Auto laundries and car washing facilities;
- (8) Building materials and products, sales and storage;
- (9) Building trades showrooms and shops;
- (10) Concrete mixing plants;
- (11) Contractor or construction yards;
- (12) Equipment rental and leasing services;
- (13) Federal, state, county or municipal garages;
- (14) Governmental uses;
- (15) Laboratories, research and testing;
- (16) Landscaping services;
- (17) Microwave and radar tower installations;
- (18) Monument manufacturing and sales;
- (19) Motor vehicle repair and servicing facilities;
- (20) Printing, publishing and lithography establishments;
- (21) Public utility companies;
- (22) Sharpening and grinding businesses;
- (23) Telecommunication facilities, telecommunication towers;
- (24) Towing services;
- (25) Transit or transportation facilities;
- (26) Warehousing and wholesaling establishments; and

(27) Utility substations.
(Prior Code, § 20-1009)

(C) *Special uses.*

- (1) Junk yards;
- (2) Towing and storage companies; and
- (3) Tow storage lots.

(Prior Code, § 20-1010)

(D) *Area/bulk restrictions.* The following area/bulk restrictions shall apply to all buildings or structures in the HI District.

(1) *Minimum lot size.*

- (a) Lot area: 62,500 square feet;
- (b) Lot width: 250 feet; and
- (c) Lot depth: 250 feet.

(2) *Minimum setbacks.*

- (a) From front lot line: 50 feet;
- (b) From either side lot line: 20 feet; and
- (c) From rear lot line: 50 feet.

(3) *Maximum building height.* 60 feet.

(Prior Code, § 20-1011)

(E) *Parking regulations.* Off-street parking shall be provided for every use in the HI District in accordance with the provisions of §§ 154.115 through 154.133 of this chapter.

(Prior Code, § 20-1012)

(F) *Sign regulations.* Any sign erected in the HI District shall conform to the provisions of §§ 154.145 through 154.158 of this chapter.

(Prior Code, § 20-1013)

(G) *Supplemental regulations.*

(1) *No nuisances.* No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences shall include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare and noxious odors.

(2) *Activities enclosed.* All production, processing, cleaning, servicing, testing or repair activities shall be conducted completely within enclosed buildings.

(3) *Outside storage.* Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least eight feet high.

(4) *Buffer strips.* Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a 20-foot wide buffer strip consisting of densely planted shrubbery that is at least five feet high when planted and that can be expected to reach a height of ten feet when full grown.

(5) *Dangerous materials.* No building, structure or use within the HI District shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

(Prior Code, § 20-1014)

(Ord. 1525, passed 7-21-2008; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.083 “FPO” - FLOODPLAIN OVERLAY DISTRICT.

(A) *General.* The FPO Floodplain Overlay District delineates areas that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the village tax base and the need for extraordinary relief measures. The regulations of this section are intended to restrict permitted development in floodplains to uses which have inherently low flood damage potential, and to other uses whose flood damage potential can be lessened by appropriate protective measures.

(Prior Code, § 20-1101)

(B) *Permitted and special uses.* The FPO, as a secondary overlay district, has no affect on permitted, special or prohibited uses in a primary zoning district, but rather imposes additional restrictions on any development in any zoning district which also falls within the boundaries of the floodplain.

(Prior Code, § 20-1102)

(C) *Supplemental regulations.*

(1) All uses, whether permitted or special, that are located within the boundaries of the FPO District shall not only meet all the requirements of the primary zoning district, but shall also be adequately protected against flood damage.

(2) To assure such protection, the Zoning Administrator, after consultation with the Village Engineer and other technically qualified persons, may require the developer to:

- (a) Provide anchorage or additional weight to structures to resist flotation;
- (b) Install water-tight doors and bulkheads;
- (c) Use special paints, membranes or mortars to reduce seepage through walls;
- (d) Install pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (e) Reinforce walls to resist rupture or collapse caused by water pressure or floating debris;
- (f) Install valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewerage or storm runoff into structures;
- (g) Locate electrical equipment and appliances above the level of the regulatory flood elevation;
- (h) Locate storage facilities for materials such as chemicals, explosives, flammable liquids and toxic substances above the regulatory flood level;
- (i) Fill and grade property in order to raise the level of the proposed building site above the regulatory flood elevation; and/or
- (j) Any other reasonable flood protection measures.

(3) All development in a floodplain or floodway shall conform to the provisions of Ch. 152 of this code of ordinances.

(Prior Code, § 20-1103)

(Ord. 1699, passed 3-17-2014)

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NON-CONFORMITIES

§ 154.095 PURPOSE AND INTENT.

(A) The requirements imposed by this chapter are designed to secure adequate light, pure air and safety from fire and other damages, to guarantee that the taxable value of land and building throughout the village may be conserved, to prevent or lessen hazards to persons and damage to property resulting from the accumulation of runoff storm or flood water, to preserve the sights, areas and structures of historical, architectural and aesthetic importance and that the public health, safety, comfort, morals and welfare may otherwise be promoted.

(B) Lots, structures and uses of land are structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development.

(C) The regulations of this subchapter are intended to alleviate such existing or potential problems by encouraging the gradual elimination of non-conformities.
(Prior Code, § 20-1201) (Ord. 1699, passed 3-17-2014)

§ 154.096 NON-CONFORMING BUILDINGS AND STRUCTURES.

Any otherwise lawful non-conforming building or structure which exists on the effective date of this chapter may lawfully remain, subject to the following provisions.

(A) *Maintenance.* A non-conforming structure may be maintained by ordinary repairs.

(B) *Enlargement, alterations.* A non-conforming building or structure shall not be altered or enlarged in any way which would increase its non-conformity by:

(1) Adding an addition to an existing building or adding a separate building;

(2) Increasing in the area of lot used; or

(3) Changing business methods or the provision of new accessory facilities.

(C) *Relocation.* A non-conforming building or structure shall not be moved unless, after relocation, it will conform to all of the regulations of the district in which it will be situated.

(D) *Reconstruction.*

(1) A non-conforming building or structure which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 100% of the structure's replacement value at the time of loss, unless, after reconstruction, the structure will conform to all applicable regulations of the district in which it is located.

(2) In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than 100% of the structure's replacement value at the time of loss, repairs or reconstruction shall be permitted; provided, such work begins within six months from the date the damage occurred and is completed within one year after construction begins.

(3) The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser.

(4) The owner of the damaged structure shall be responsible for obtaining these estimates on behalf of the Zoning Administrator.

(Prior Code, § 20-1202) (Ord. 1699, passed 3-17-2014)

§ 154.097 NON-CONFORMING USES.

Any non-conforming use, otherwise lawfully existing on the effective date of this chapter, may lawfully continue, subject to the following provisions.

(A) No non-conforming business use shall be extended or intensified so that the character of the commercial activity changes and creates a greater adverse impact on the zoning district in which it is located.

(B) A non-conforming use shall not be changed, except to a use that is permitted or special under the applicable zoning regulations.

(C) When a non-conforming use is discontinued for a period of 12 consecutive months, it shall not thereafter be resumed, and any subsequent use of the land shall conform to the applicable district regulations.

(Prior Code, § 20-1203) (Ord. 1699, passed 3-17-2014)

§ 154.098 NON-CONFORMING VACANT LOT OF RECORD.

Any non-conforming vacant lot of record may, nonetheless, be developed for any use permitted in that district if such vacant lot:

(A) Was recorded in the County Recorder of Deeds' office prior to the effective date of this chapter or any pertinent amendment thereto; and

(B) Is at least 30 feet wide.

(Prior Code, § 20-1204) (Ord. 1699, passed 3-17-2014)

§ 154.099 TWO OR MORE LOTS IN COMMON OWNERSHIP.

(A) If two or more lots, or combination of lots and portions of lots, with continuous frontage, were of record and in common ownership on the effective date of this chapter and, if one or more of those lots does not meet the minimum width, depth or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel.

(B) No portion of any such parcel shall be developed, except in compliance with this chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this chapter.

(Prior Code, § 20-1205) (Ord. 1699, passed 3-17-2014)

§ 154.100 NON-CONFORMITIES UNDER PERMIT AUTHORITY.

The regulations of this subchapter shall not effect the terms of any permit issued prior to the effective date of this chapter, or any pertinent amendment thereto; provided that, the work authorized by such permit is completed within a reasonable time.

(Prior Code, § 20-1206) (Ord. 1699, passed 3-17-2014)

§ 154.101 CERTIFICATES OF NON-CONFORMANCE.

At the request of the applicant, and following a thorough review of the specific building, structure, lot or use, the Zoning Administrator, upon determining that said building, structure, lot or use is legally non-conforming, shall issue a certificate of non-conformance in accordance with the provisions of § 154.209 of this chapter.

(Prior Code, § 20-1207) (Ord. 1699, passed 3-17-2014)

OFF-STREET PARKING AND LOADING REGULATIONS

§ 154.115 PURPOSE AND INTENT.

In order to reduce congestion in public streets, off-street parking and loading facilities shall be provided in accordance with this subchapter for all buildings, structures and uses erected or established after 5-1-1988.

(Prior Code, § 20-1301) (Ord. 1699, passed 3-17-2014)

§ 154.116 GENERAL PROVISIONS.

(A) The provisions of this subchapter shall apply to all zoning districts.

(B) The duty to provide and maintain off-street parking and loading facilities shall be the joint and shared responsibility of the operator and the owner of the use or uses for which the off-street parking is required.

(C) The parking spaces in any off-street parking or loading facility which already existed on 5-1-1988, shall not be reduced below the requirements and standards for the use or uses for which the off-street parking is required.

(D) If the parking spaces in an off-street parking or loading facility which already exists on the effective date of this chapter do not conform to the requirements of this subchapter, the existing facilities shall not be further reduced below the requirements and standards for the use or uses for which the off-street parking is required.

(E) If an existing building, structure or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking and loading facilities equivalent to those maintained at the time of such damage or destruction shall be restored, but additional spaces need not be provided.

(F) If any building, structure or use is enlarged or expanded, the owner of such use shall provide additional off-street parking and loading facilities, as required by the provisions of this section; provided, however, that, if the Zoning Administrator determines that such compliance is clearly not possible, the owner shall be required to provide only the amount of additional parking such enlargement or expansion would require as a separate use.

(G) If the existing use of a lot, building or structure is changed to a different use, the owner of such use shall provide off-street parking and loading facilities as required by the provisions of this section.

(H) All off-street parking and loading facilities, whether provided in accordance with this chapter, or in accordance with the provisions of any previous ordinance, shall be maintained as required by this section.

(Prior Code, § 20-1302) (Ord. 1699, passed 3-17-2014)

§ 154.117 PARKING LOT DESIGN STANDARDS.

(A) With the exception of parking spaces required for single-family and two-family residences, every off-street parking lot hereafter established, shall be designed in accordance with the standards listed herein.

(B) Typical parking configurations are depicted in App. A of this chapter.

(Prior Code, § 20-1303) (Ord. 1699, passed 3-17-2014)

§ 154.118 REQUIREMENTS FOR PARKING SPACES.

Every parking space, designed for one vehicle, shall conform to the requirements below and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation.

(A) *Minimum parking space width.*

- (1) Ninety-degree parking: ten feet;
- (2) Sixty-degree parking: nine feet;
- (3) Parallel parking: eight feet; and
- (4) Handicapped parking: 16 feet.

(B) *Minimum parking space length.*

- (1) Ninety-degree parking: 20 feet;
- (2) Sixty-degree parking: 20 feet;
- (3) Parallel parking: 22 feet; and
- (4) Handicapped parking: 20 feet.

(C) *Minimum parking space vertical clearance.* All types: seven feet.

(D) *Accessible parking.*

(1) *Minimum number of accessible parking spaces.* The minimum number of accessible parking spaces shall be in accordance with the following table. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible building entrance.

(2) *Accessible parking spaces.*

<i>Total Parking Spaces Provided</i>	<i>Required Minimum Number of Accessible Space</i>
1 to 5	1 (See Note A)
6 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20, plus one for each 100 over 1,000
NOTES TO TABLE: Note A: The accessible space shall be provided, but is not required to be designated as reserved for physically disabled.	

(Prior Code, § 20-1304) (Ord. 1699, passed 3-17-2014)

§ 154.119 REQUIREMENTS FOR PARKING LOT AISLES.

(A) The aisles of every parking lot hereafter established shall conform to the requirements below:

- (1) Ninety-degree parking: 22 feet;
- (2) Sixty-degree parking: 18 feet; and
- (3) Parallel parking: 22 feet.

(B) Aisles between two rows of 60-degree parking shall be limited to one-way traffic.

(C) Aisles between other types of parking, or between rows of mixed types, may allow two-way traffic, but shall conform to the more restrictive minimum aisle width.

(Prior Code, § 20-1305) (Ord. 1699, passed 3-17-2014)

§ 154.120 REQUIREMENTS FOR ACCESS.

(A) Every accessway in any residential or conservation zoning district, which is less than 100 feet in length and serves a parking lot containing eight or fewer parking spaces, shall be at least ten feet wide.

(B) Every accessway in any residential or conservation zoning district, which is more than 100 feet in length or serves a parking lot containing more than eight parking spaces, shall be at least 20 feet wide; provided, however, that, when separate drives, each one-way, are designed for ingress and egress, the minimum required width for each drive shall be reduced to ten feet.

(C) Every accessway for a parking lot located in any business or industrial zoning district, shall be at least 24 feet wide; provided, however, that, when separate drives, each one-way, are designed for ingress and egress, the minimum required width for each drive shall be reduced to 12 feet.

(D) Every parking lot shall be designed so that ingress to or egress from any parking space is by way of an aisle or driveway, and not directly from a street or public right-of-way.

(E) No accessway to any parking lot shall be located within 30 feet of any corner formed by the intersection of the right-of-way of two or more streets; provided, however, that, when an intersection is regulated by traffic-control devices, the Zoning Administrator may increase this requirement in order to reduce traffic hazards.

(F) Every parking lot ingress and egress shall be aligned so that it forms, as closely as is possible, a right angle with the intersecting street.

(G) Curb cuts for the purpose of providing ingress or egress are subject to all relevant state, county and village requirements and approvals.

(Prior Code, § 20-1306) (Ord. 1699, passed 3-17-2014)

§ 154.121 REQUIREMENTS FOR CONSTRUCTION.

Every off-street parking area, including accessways and aisles, shall be graded and improved with a compacted gravel base at least four inches thick, surfaced with at least two inches of asphalt or similar impermeable, all-weather, dustless surface.

(Prior Code, § 20-1307) (Ord. 1699, passed 3-17-2014)

§ 154.122 LIGHTING.

(A) Every off-street parking lot regularly used during nighttime hours shall be lighted to enable safe access to parked vehicles.

(B) Lighting used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays, to the greatest extent practicable, within the lot lines of the parking lot. (Prior Code, § 20-1308) (Ord. 1699, passed 3-17-2014)

§ 154.123 LANDSCAPING.

In order to reduce heat and glare and minimize the loss of natural vegetation common to the construction of parking facilities, landscaping shall be provided and maintained in accordance with the following provisions, for every property that contains ten or more parking spaces.

(A) A landscaping plan, either as a separate document or as an element of a more inclusive development plan, shall accompany every application for an initial certificate of zoning compliance, in which the applicant would be required to provide ten or more spaces.

(B) Every landscaping plan shall at least include the following information:

(1) The proposed type, amount, size and spacing of all plantings, including trees, shrubbery and ground cover;

(2) The proposed size, construction materials and drainage of landscaped islands; and

(3) A sketch indicating the proposed spatial relationships of landscaped areas, parking spaces, automobile circulation and pedestrian movement.

(C) (1) Any portion of every parking space is required to be located within 55 feet of a landscaped island containing a minimum of one shade tree. Shade trees must be a canopy type and be no less than three-inch caliper size at the time of installation. Shade trees located within ten feet of perimeter area parking spaces may define the perimeter edge of the parking space nearest the perimeter shade tree as a landscaped island. Existing significant shade trees on said property may be used to satisfy the requirement of a shade tree.

(2) Exceptions:

(a) Accessible parking spaces are not required to be located within 55 feet of a landscaped island containing a minimum of one shade tree; and

(b) Interior parking rows of properly-maintained existing parking lots are not required to be located within 55 feet of a landscaped island containing a minimum of one shade tree.

(D) All plant materials specified in landscape plans required under this section that are dead or diseased shall be replaced in conformity with the approved plan with identical or like species in the size required by the plan.

(Prior Code, § 20-1309) (Ord. 1552, passed 6-1-2009; Ord. 1555, passed 10-5-2009; Ord. 1555, passed 10-5-2009; Ord. 1699, passed 3-17-2014)

§ 154.124 LOCATION OF REQUIRED PARKING.

Every off-street parking lot shall be located in conformity with the following requirements.

(A) *Single-family and two-family dwellings.* Parking spaces accessory to any single-family or two-family dwelling shall be located on the same lot as the dwelling and, with the exception of a driveway, shall not be in the front yard.

(B) *Multiple-family dwellings.* Parking spaces accessory to any multiple-family dwelling shall be located on the same lot as the dwelling, or on a commonly owned lot of the multiple-family buildings such parking spaces are accessory to, and constructed so that no vehicle shall be required to be moved in order to allow another vehicle to enter or exit the parking area.

(C) *Business and industrial uses.*

(1) Every off-street parking space accessory to any business or industrial use shall be located within 500 feet of the use served; provided, however, that, no portion of any parking lot for a non-residential use shall extend into any residential or conservation district, except by written permission of the Zoning Administrator.

(2) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively, if the total number of spaces collected together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed. (Prior Code, § 20-1310) (Ord. 1699, passed 3-17-2014)

§ 154.125 LOADING AREA DESIGN STANDARDS.

Every off-street loading space hereafter established shall be designed in accordance with the following standards.

(Prior Code, § 20-1311) (Ord. 1699, passed 3-17-2014)

§ 154.126 REQUIREMENTS FOR LOADING SPACES.

Every loading space, designed for one vehicle, shall conform to the requirements below, exclusive of any aisle or maneuvering area that may be required, and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation:

(A) Minimum loading space width: 12 feet;

(B) Minimum loading space length: 50 feet; and

(C) Minimum vertical clearance: 14 feet.

(Prior Code, § 20-1312) (Ord. 1699, passed 3-17-2014)

§ 154.127 REQUIREMENTS FOR ACCESS.

Every accessway between an off-street loading space and a street or alley shall be at least 12 feet wide.

(Prior Code, § 20-1313) (Ord. 1699, passed 3-17-2014)

§ 154.128 REQUIREMENTS FOR CONSTRUCTION.

Every off-street loading area shall be graded and improved with a compacted gravel base at least seven inches thick, surfaced with at least two inches of asphalt or similar impermeable, all-weather, dustless surface.

(Prior Code, § 20-1314) (Ord. 1699, passed 3-17-2014)

§ 154.129 REQUIREMENTS FOR BUFFER STRIPS.

No loading space designed for vehicles exceeding a two-ton cargo capacity shall be developed closer than 50 feet from the lot line of any lot located in a residential or conservation district, unless such loading space is completely enclosed by a wall, a solid fence or closely-planted shrubbery, at least ten feet in height and of sufficient density to block the view from residential property.

(Prior Code, § 20-1315) (Ord. 1699, passed 3-17-2014)

§ 154.130 LOCATION OF REQUIRED LOADING SPACES.

Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than 50 feet to the intersection of the rights-of-way of two or more streets.

(Prior Code, § 20-1316) (Ord. 1699, passed 3-17-2014)

§ 154.131 COMPUTATION OF REQUIRED SPACES.

In computing the number of parking and loading spaces required by this chapter, the Zoning Administrator shall apply the following rules.

(A) (1) In computing the parking spaces required for a building or structure containing mixed uses, the Zoning Administrator shall calculate the required number of parking spaces for each use, and add the sums of those calculations in order to determine the total number of spaces required for the building.

(2) For example, a lodge with a dance hall would require parking spaces for each use.

(B) If, in computing the number of parking or loading spaces required by this section, the calculation results in the requirement of a fractional space, a fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one space.

(C) If, in computing the number of parking spaces required by this section, the gross floor area for a specific use is less than that identified in the calculation formula, the Zoning Administrator shall divide the gross floor area by the area indicated in the calculation formula and multiply the result by the required number of spaces. For example, if a fast-food restaurant has a gross floor area of 800 square feet, the Zoning Administrator shall divide 800 by 1,000 and multiply the resulting 0.80 by 30, thereby requiring 24 parking spaces for this specific use.

(D) If, in reviewing the classifications below, a particular use is not found, the Zoning Administrator shall classify the use with other similar uses and calculate parking space requirements according to the provisions for that classification.

(Prior Code, § 20-1317) (Ord. 1699, passed 3-17-2014)

§ 154.132 TABLE OF PARKING SPACES, BY CLASSIFICATION.

(A) *General.*

(1) This section divides specific uses of property into classification groups.

(2) The minimum number of off-street parking spaces required for each use of a specific parcel of property, shall be determined by identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

(B) *Class 1.* The following uses shall be required to provide two parking spaces per dwelling unit:

(1) Dwelling, single-family;

(2) Dwelling, two-family;

- (3) Dwelling, multiple-family, two or more bedrooms; and
- (4) Mobile and manufactured homes.

(C) *Class 2.* The following uses shall be required to provide one and one-half parking spaces per dwelling unit:

- (1) Dwelling, multiple-family, one bedroom; and
- (2) Dwelling, multiple-family, efficiency units.

(D) *Class 3.* The following uses shall be required to provide one parking space per dwelling unit, lodging room or room for rent:

- (1) Hotels;
- (2) Motels;
- (3) Dormitories;
- (4) Private clubs and lodges with sleeping facilities; and
- (5) Apartments for the elderly.

(E) *Class 4.* The following uses shall be required to provide one parking space per 1,000 square feet of gross floor area, as defined:

- (1) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes and specialized living accommodations;
- (2) Independent/supportive living facilities;
- (3) Seminaries, monasteries, convents and retreat houses; and
- (4) Rectories, parsonages and parish houses.

(F) *Class 5.* The following uses shall be required to provide two parking spaces per 1,000 square feet of gross floor area:

- (1) Day care centers, nursery schools and pre-schools;
- (2) Extermination services;

- (3) Federal, state, county or municipal garages;
- (4) Historic sites;
- (5) Hospitals;
- (6) Machinery sales and services;
- (7) Mail order houses;
- (8) Philanthropic and charitable institutions;
- (9) Public libraries, art galleries and museums; and
- (10) Radio and television stations.

(G) *Class 6.* The following uses shall be required to provide four parking spaces per 1,000 square feet of gross floor area:

- (1) All professional, commercial, organizational and government offices not specifically listed herein;
- (2) Animal hospitals and clinics;
- (3) Art galleries, commercial;
- (4) Auto driving instruction, excluding storage of vehicles;
- (5) Auto renting facilities, excluding storage of vehicles;
- (6) Banks or savings and loans, without drive-in facilities;
- (7) Business and office machine sales and services;
- (8) Bus passenger stations;
- (9) Catering establishments;
- (10) Clothing and costume rental;
- (11) Clubs and lodges, without sleeping facilities;
- (12) Detective agencies;

- (13) Dressmaking;
- (14) Employment agencies;
- (15) Financial institutions and uses;
- (16) Governmental administration buildings, without garages;
- (17) Gymnasiums, health clubs and spas;
- (18) Indoor tennis or racquetball clubs;
- (19) Laboratories, medical, dental or optical;
- (20) Laboratories, research and testing;
- (21) Lithographers;
- (22) Loan companies;
- (23) Locksmiths;
- (24) Medical and dental clinics;
- (25) Not-for-profit corporations, service organizations or fraternal organizations;
- (26) Painting and decorating businesses;
- (27) Police or fire stations;
- (28) Post offices;
- (29) Recording or sound studios;
- (30) Recreational and community centers;
- (31) Repair shops, shoes and clothing;
- (32) Sharpening and grinding businesses;
- (33) Tailors;
- (34) Taxicab garages, excluding storage of vehicles;

- (35) Telephone exchange and equipment buildings;
- (36) Towing services, excluding storage of vehicles;
- (37) Transit or transportation facilities; and
- (38) Travel agencies.

(H) *Class 7.* The following uses shall be required to provide five parking spaces per 1,000 square feet of gross floor area:

- (1) Auto service stations;
- (2) Auto undercoating and rust-proofing services;
- (3) Bowling alleys;
- (4) Furniture stores;
- (5) Leather goods and luggage stores; and
- (6) Photography, commercial studio.

(I) *Class 8.* The following uses shall be required to provide six parking spaces per 1,000 square feet of gross floor area:

- (1) Antique stores;
- (2) Apparel stores;
- (3) Appliance stores;
- (4) Art and school supply stores;
- (5) Auto accessory stores;
- (6) Bakeries;
- (7) Barber and hairstyling shops;
- (8) Beauty parlors;
- (9) Bicycle stores, sales, rental and repair;

- (10) Book and stationery stores;
- (11) Camera stores;
- (12) Candy and confectionery stores;
- (13) China and glassware stores;
- (14) Department stores;
- (15) Drapery stores;
- (16) Dry cleaners and laundromats;
- (17) Dry goods stores;
- (18) Drug stores;
- (19) Floor covering stores;
- (20) Floral shops;
- (21) Funeral parlors;
- (22) Gift shops;
- (23) Grocery stores;
- (24) Hardware stores;
- (25) Hobby shops;
- (26) Home appliance stores;
- (27) Ice cream stores;
- (28) Jewelry stores;
- (29) Meat markets;
- (30) Music stores;
- (31) Notions stores;

- (32) Office supply and stationery stores;
- (33) Package liquor stores;
- (34) Paint and wallpaper stores;
- (35) Pet shops;
- (36) Radio, television and stereo sales;
- (37) Record stores;
- (38) Shoe stores;
- (39) Sporting goods stores;
- (40) Tobacco shops;
- (41) Toy stores; and
- (42) Variety stores.

(J) *Class 9.* The following uses shall be required to provide ten parking spaces per 1,000 square feet of gross floor area:

- (1) Auction rooms or barns;
- (2) Arcades or amusement halls;
- (3) Billiard and pool halls;
- (4) Bars, taverns and lounges;
- (5) Convention and exhibition halls;
- (6) Dance halls;
- (7) Meeting halls;
- (8) Restaurants, excluding fast-food or drive-in; and
- (9) Indoor skating rinks.

(K) *Class 10.* The following uses shall be required to provide 30 parking spaces per 1,000 square feet of gross floor area, plus six car holding spaces for every drive-in bay: fast-food or drive-in restaurants.

(L) *Class 11.* The following uses shall be required to provide one parking space per 1,000 square feet of gross floor area, plus one parking space per every 2,000 square feet of occupied land area:

- (1) Agricultural implements, sales and service;
- (2) Archery ranges;
- (3) Golf driving ranges; and
- (4) Nurseries and greenhouses.

(M) *Class 12.* The following uses shall be required to provide three parking spaces per 1,000 square feet of gross floor area, plus one parking space per every 3,000 square feet of occupied land area:

- (1) Amusement establishments;
- (2) Boat sales;
- (3) Camper sales;
- (4) Equipment rental and leasing services;
- (5) Kiddie parks;
- (6) Miniature golf courses;
- (7) Mobile and manufactured home sales;
- (8) Model homes and garage displays;
- (9) Monument sales;
- (10) Motor vehicle repair and servicing facilities;
- (11) Motorcycle sales;
- (12) New or used car dealers;
- (13) Recreational vehicle sales;

(14) Shooting ranges; and

(15) Tire, battery and other motor vehicle accessory services.

(N) *Class 13.* The following uses shall be required to provide one parking space per 5,000 square feet of occupied land area:

(1) Athletic fields;

(2) Arboretums or botanical gardens;

(3) Forest preserves;

(4) Grounds of non-commercial recreational clubs;

(5) Public parks and playgrounds;

(6) Swimming pools; provided, however, that, when a swimming pool is an isolated use, parking shall be computed at a rate of one space per 75 square feet of water area; and

(7) Tennis clubs and courts, outdoors.

(O) *Class 14.* The following uses shall be required to provide five parking spaces per every washing bay: auto laundries and car washing facilities.

(P) *Class 15.* The following uses shall be required to provide five-car handling spaces per every drive-up teller window, plus four parking spaces per every 1,000 square feet of gross floor area: drive-in banks, savings and loans and financial services.

(Q) *Class 16.* The following uses shall be required to provide one parking space per every five students based on design capacity: elementary and junior high schools.

(R) *Class 17.* The following uses shall be required to provide one parking space per every three students based on design capacity:

(1) Colleges, junior colleges and universities;

(2) Business, art, dance or commercial schools;

(3) High schools; and

(4) Vocational schools.

(S) *Class 13.* The following uses shall be required to provide one parking space per every four seats provided:

- (1) Churches, chapels, temples and synagogues;
- (2) Fairgrounds and exhibition grounds;
- (3) Racetracks; and
- (4) Stadiums and auditoriums.

(T) *Class 19.* The following uses shall be required to provide one parking space per every two and one-half seats provided: indoor movie theaters.

(U) *Class 20.* The following uses shall be required to provide two parking spaces per every one employee:

- (1) Building materials and products, sales and storage;
- (2) Building trades showrooms and shops;
- (3) Concrete mixing plants;
- (4) Contractor or construction yards;
- (5) Landscaping services; and
- (6) Microwave and radar tower installations.

(V) *Class 21.* The following uses shall be required to provide two parking spaces per every three employees:

- (1) All industrial uses not specifically mentioned otherwise;
- (2) All essential services and public services not specifically mentioned otherwise; and
- (3) Warehousing and wholesaling establishments.

(W) *Class 22.* The following uses shall be required to provide 100 parking spaces per nine holes: golf courses, public and private.

(Prior Code, § 20-1318) (Ord. 1455, passed 6-5-2006; Ord. 1699, passed 3-17-2014)

§ 154.133 TABLE OF LOADING SPACES, BY CLASSIFICATION.

(A) *General.* The minimum number of off-street loading spaces required for each use of a specific parcel of property shall be determined by reviewing the table below, identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

(B) *Class 1.* The following uses shall be required to provide one loading space for every building containing between 10,000 and 100,000 square feet of gross floor area, plus one additional loading space per each additional 100,000 square feet of gross floor area or fraction thereof:

- (1) Amusement and recreational facilities;
- (2) Banks and other financial institutions;
- (3) Business and other professional offices;
- (4) Convention and exhibition halls;
- (5) Health and medical institutions;
- (6) Hotels and motels containing retail shops, business or professional offices, convention or exhibition halls or auditoriums;
- (7) Public and administrative buildings;
- (8) Radio and television studios;
- (9) Recording studios;
- (10) Heaters, indoor; and
- (11) Funeral parlors and mortuaries.

(C) *Class 2.* The following uses shall be required to provide one loading space for every building containing between 10,000 and 20,000 square feet of gross floor area, plus one additional loading space per each additional 200,000 square feet of gross floor area or fraction thereof:

- (1) Apartment hotels;
- (2) Auditoriums;
- (3) Charitable institutions;
- (4) Clubs and lodges;

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(5) Hotels and motels containing no retail shops, business or professional offices, convention or exhibition halls or auditoriums;

(6) Meeting halls;

(7) Religious institutions;

(8) Multiple-family dwellings;

(9) Research and testing institutions; and

(10) Schools and educational facilities.

(D) *Class 3.* The following uses shall be required to provide one loading space for every building containing between 5,000 and 40,000 square feet of gross floor area, and two loading spaces for every building containing between 40,000 square feet and 100,000 square feet of gross floor area, plus one additional loading space per each additional 100,000 square feet of gross floor area or fraction thereof:

(1) Assembly, manufacturing and fabricating establishments;

(2) Cartage, express and motor freight facilities;

(3) Cleaning, repairing, servicing and testing facilities;

(4) Laundries and dry cleaning facilities;

(5) Mail order businesses;

(6) Printing and publishing establishments; and

(7) Warehousing, storage and wholesaling establishments.

(E) *Class 4.* For all other uses, including, but not limited to, retail stores and restaurants and other establishments handling the sale or consumption of food or beverages on the premises, loading spaces shall be provided in accordance with the gross floor areas.

5,000 - 20,000 square feet	1 space
20,000-60,000 square feet	2 spaces
60,000- 100,000 square feet	3 spaces
For every additional 100,000 square feet or fraction thereof	1 space

(Prior Code, § 20-1319) (Ord. 1699, passed 3-17-2014)

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SIGN REGULATIONS

§ 154.145 PURPOSE AND INTENT.

(A) Attractive and integrated urban design features tend to improve the image of the community, raise property values within the community, attract new business and residents to the community and improve the overall quality of life of the community. Attention to urban design features, therefore, is determined by the Board of Trustees of the village to be in the best economic interest of the citizens and business owners of the village.

(B) (1) Signs, due to their inherent visibility and incursion upon the urban landscape, represent a prominent urban design feature.

(2) The regulations contained in this subchapter were prepared in recognition of the impact of signs as a prominent urban design feature and are intended to regulate type, area, height, number, location, illumination, design and construction of signs permitted in the various zoning districts throughout the village.

(3) The intent of this subchapter is, in part: to encourage the effective use of signs as a means of communication in the village; to create a more attractive economic and business climate; to minimize the possible adverse effects of signs on nearby public and private property; to foster and improve the economic vitality of the community by enhancing and protecting the physical appearance of the community; and to preserve, protect and promote the public health, safety and general welfare of the community.

(Prior Code, § 20-1401) (Ord. 1699, passed 3-17-2014)

§ 154.146 GENERAL PROHIBITION.

Any sign not expressly permitted in this subchapter shall be deemed prohibited.

(Prior Code, § 20-1402) (Ord. 1699, passed 3-17-2014)

§ 154.147 STRICTLY PROHIBITED SIGNS.

Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the village:

(A) *Billboards.* Any single or double-faced sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is fixed, subject to the exceptions of § 154.152 of this chapter;

(B) *Signs in the public right-of-way.* Temporary or permanent signs located in the public right-of-way, except those listed in § 154.148(B)(7) and (B)(8) of this chapter;

(C) *Mobile marquee signs.* Freestanding signs, with permanent or changeable copy, illuminated or non-illuminated, which are portable, with or without wheels, either continuously placed at a specific location or periodically moved in or on a vehicle or trailer;

(D) *Roof-mounted signs.* Any sign erected or maintained on the roof of any building; and

(E) *Signs attached to trees.* Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities, and pole banners as specified in § 154.148(B)(6) of this chapter.

(Prior Code, § 20-1403) (Ord. 1637, passed 3-5-2012; Ord. 1699, passed 3-17-2014)

§ 154.148 SIGNS PERMITTED IN ANY ZONING DISTRICT.

(A) Notwithstanding § 154.150 of this chapter and its divisions, any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the village.

(B) Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance:

(1) *Construction signs.* Construction signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed five square feet in any conservation or residential district, or 32 square feet in other districts, shall be confined to the site of the construction, and shall be removed within 14 days after the issuance of the final occupancy permit for the project;

(2) *Real estate signs.* Real estate signs indicating the sale, rental or lease of the premises on which they are located. Such signs in residential districts shall not exceed five square feet. In other districts, such signs shall not exceed 16 square feet; except that, when a parcel of property exceeds ten acres, a sign as large as 32 square feet shall be allowed. Not more than one real estate sign per street front shall be erected on any lot. Such signs shall be removed within seven days of the sale, rental or lease;

(3) *Real estate directional signs.* Real estate directional signs indicating an open house or the sale, rental or lease of property under development. Such signs shall be located on private property, with permission from the owner of said property, and shall not exceed four square feet. Open house signs shall not be erected more than five days prior to the scheduled showing and shall be removed within 24 hours following;

(4) *Temporary signs.* Temporary signs are signs erected on private property for a limited period of time. Except for signs further regulated under division (B)(6) below, temporary signs shall not exceed four square feet, shall be limited to not more than three such signs on any lot or premises. Temporary signs shall be permitted only for 14 days before and three days after the specified event;

(5) *Garage sale signs.* Garage sale signs advertising a garage or yard sale to be held on private residential property. Such signs shall not exceed four square feet, shall not be erected more than two days prior to the scheduled sale and shall be removed immediately following;

(6) *Public interest signs, commercial banners, street banners and pole banners.*

(a) Public interest signs are temporary signs erected on private property which publicize an event of general public interest that is to be held in the near future. Freestanding public interest signs shall not exceed 32 square feet. Freestanding public interest signs and street banners shall be permitted only for 14 days before and three days after the specified event.

(b) Commercial banners, which are erected on a wall or roof edge of any building to advertise a store opening, sales event or similar activity, shall not exceed 32 square feet. Commercial banners shall be displayed no more than 14 days before and three days after the specified event.

(c) Street banners are temporary signs spanning over the width of a public street, which publicize an event of general public interest that is to be held in the near future. Street banners shall not exceed 30 feet in length and four feet in height. Private advertising shall be limited to a maximum of 20% of the gross area of the sign.

(d) Pole banners are signs attached to a utility pole that commemorate an event or a matter of significant public interest. Pole banners mounted on public utility poles shall not exceed 30 inches wide by 66 inches tall. No more than two banners may be attached to any utility pole at a given time. Pole banners shall be permitted for a time period as approved by the Board of Trustees.

(e) All public interest signs, commercial banners, street banners and pole banners require a certificate of sign compliance in accordance with the provisions of § 154.210(A) of this chapter.

(7) *Governmental, public and directional signs.* Governmental, public and directional signs such as traffic-control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, no trespassing signs, no parking signs, signs indicating the entrances and exits of parking lots, signs welcoming visitors to the village and signs indicating the location of public telephones and restrooms;

(8) *Institutional signs.* Institutional signs identifying a public, charitable, or religious institution. Such signs located on the premises of such institutions shall adhere to the size restrictions in § 154.149(A) of this chapter. Such signs located off premises require a certificate of sign compliance in accordance with the provisions of § 154.210(A) of this chapter and shall conform to State Department of Transportation regulations;

(9) *Integral signs.* Integral signs carved into stone or inlaid so as to become part of the building and containing such information as date of erection, name of building and memorial tributes;

(10) *Subdivision entrance signs.* Subdivision entrance signs are permanent signs identifying a residential subdivision, office park or apartment complex. Such signs shall be located on private property, contain no commercial advertising and shall not exceed 40 square feet;

(11) *House numbers and/or name of occupant signs.* House numbers and/or name of occupant signs located on the lot to which the sign applies. Such signs shall contain no commercial advertising, and shall not exceed four square feet;

(12) *Interior signs.* Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings; provided, such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings;

(13) *Human signs.* Temporary signs or placards carried or supported by individuals. Such signs promoting a commercial activity or business shall be considered peddling or hawking and shall meet the requirements of Ch. 111 of this code of ordinances; and

(14) *Political signs.* Political signs announcing candidates seeking public/political office and/or political issues and other pertinent information. Political signs are permitted under this subchapter as such signs are permitted under the laws of the state and the United States. (Prior Code, § 20-1404) (Ord. 1637, passed 3-5-2012; Ord. 1699, passed 3-17-2014)

§ 154.149 GENERAL RESTRICTIONS.

In order to accomplish the purpose of this subchapter, the following general restrictions apply:

(A) *Allowable sign area.*

(1) *Calculation.* Sign area shall be calculated as the area within an imaginary rectangle which, when drawn, would completely enclose all the letters, parts or symbols of the sign.

(2) *Freestanding and projecting signs.* Within the limitations and restrictions as further provided in this subchapter, the total sign area of any freestanding and/or projecting signs which any establishment is permitted to display, shall be computed in accordance with the following formula:

(a) One and one-half square feet of sign area per every one foot of street frontage for the first 100 feet of such frontage; plus one square foot of sign area per each additional one foot of such frontage in excess of 100 feet; provided, however, that, no establishment in any district shall display more than 250 square feet of sign area on any street front with the exception of those listed in division (A)(2)(b) below.

(b) Properties on which particularly large buildings are constructed shall be allowed a maximum sign area subject to the following:

1. Buildings that are 50,000 to 100,000 square feet in size shall be allowed a maximum sign area of 250 square feet, plus 10% or 275 square feet.

2. Buildings that are 100,000 to 150,000 square feet in size shall be allowed a maximum sign area of 250 square feet, plus 20% or 300 square feet.

3. Buildings that are over 150,000 square feet in size shall be allowed a maximum sign area of 250 square feet, plus 30% or 325 square feet.

(c) In calculating the sign area of a proposed sign that contains more than two faces, the Zoning Administrator shall determine the sum of the areas of each face and divide by two, assuring that the result does not exceed the allowable sign area for the property.

(d) The total allowable sign area shall include the sum of the areas of all freestanding and projecting signs.

(3) *Flush-mounted signs.* Within the limitations and restrictions as further provided in this subchapter, the total sign area of any flush-mounted, wall or window sign which any establishment is permitted to display shall be computed in accordance to the following formula:

(a) *Single tenant buildings.* One square foot of sign area per every one linear foot of primary street frontage; provided, however, that, no establishment in any district shall display more than 375 square feet of sign area;

(b) *Multi-tenant buildings.* For multi-tenant retail (strip centers) or mixed-use buildings one square foot of sign area per every one linear foot of primary store frontage. For multi-tenant office buildings, one square foot of sign area per every one linear foot of street frontage; provided, however, that, no multi-tenant office building in any district shall display more than 375 square feet of sign area; and

(c) *Inclusions.* The total allowable sign area shall include the sum of the areas of all flush-mounted, wall and window signs.

(B) *Sign illumination.* Unless restricted otherwise in this chapter, illumination of signs is permitted, subject to the following requirements:

(1) No sign shall employ red, yellow or green lights in such a manner as to confuse or interfere with vehicular traffic.

(2) Electronic message boards shall only use lights of a single color on a contrasting background.

(3) No sign shall have blinking, flashing or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.

(4) The light from any illuminated sign shall be shaded, shielded or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

(C) *Dynamic display signs.* Unless restricted otherwise in this chapter, dynamic display signs shall be permitted, subject to the following requirements:

(1) No animation or movement of any content is permitted.

(2) The dynamic display portion of any sign constructed after May 1, 2018 shall be a maximum of 25 square feet and must be placed on the lower half of the sign structure.

(3) Each displayed message must remain visible for at least ten seconds before being replaced with another message.

(4) Signs with dynamic displays are to be located at least 200 feet from any residentially-zoned property or, if placed at a distance of 200 feet or less, meet the following criteria:

(a) Be a flush-mounted sign placed on the building or a free-standing (monument style) sign structure;

(b) The maximum dynamic display sign area shall be 15 square feet and must be placed on the lower half of the sign structure. Free-standing sign structures with a dynamic display shall have a maximum dynamic display height of six feet; and

(c) Be turned off between the hours of 11:00 p.m. until 6:00 a.m.

(5) The light from any dynamic display sign shall be shaded, shielded or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

(6) Dynamic display signs shall be allowed no greater than 5,000 candela per square meter (NITS) during daylight hours and 350 candela per square meter (NITS) from dusk until dawn.

(7) *Compliance amnesty.* Existing dynamic display signs which cannot immediately comply with division (C)(3) above shall be allocated 30 days from April 16, 2018, to take the necessary steps ensure that the dynamic display portion of the sign adheres to these performance standards. If not in conformance by this date, the portion of the sign which contains the dynamic display shall be turned off or otherwise be non-operational until the owner of the sign can make the necessary changes to the sign and demonstrate conformance with division (C)(3) above.

(8) No person or contractor shall install or alter a dynamic display sign that, because of its position, shape, movement or color, interferes with the proper functioning of a traffic sign, signal or that constitutes a traffic hazard.

(9) Dynamic display sign locations shall be marked on the subject property prior to installation and demonstrate that they adhere to the distance requirements of this division (C).

(D) *Sign movement.* Any sign that revolves, rotates or mechanically moves in any manner is strictly prohibited.

(E) *Sign location and maintenance.*

(1) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape or driveway.

(2) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of or is likely to be confused with any authorized traffic-control device.

(3) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted building codes.

(4) Every sign shall be maintained in a safe, neat and attractive condition by its owner.

(5) Signs at vacant businesses, including the posts or other supports thereof, may remain, but shall be maintained in a safe and neat condition, free of loose parts and peeling paint. (Prior Code, § 20-1405) (Ord. 1564, passed 2-16-2010; Ord. 1637, passed 3-5-2012; Ord. 1699, passed 3-17-2014; Ord. 1819, passed 4-16-2018) Penalty, see § 154.999

§ 154.150 SPECIAL RESTRICTIONS.

In order to accomplish the purpose of this subchapter, the following special restrictions apply.

(A) *Conservation districts.* No sign other than those permitted by § 154.148 of this chapter shall be erected in any conservation district.

(B) *Residential districts.* No sign other than those permitted by § 154.148 of this chapter shall be erected in any residential district.

(C) *Business and industrial districts.* No establishment located in any business district or in any industrial district shall display on any street front a total area of sign in excess of the allowance derived by application of the provisions and formula set forth in § 154.149(A) of this chapter. Additionally, signs

in any business or industrial district shall conform to the requirements indicated in the following sections of this subchapter.

(Prior Code, § 20-1406) (Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.151 FREESTANDING SIGNS.

(A) A freestanding sign is any sign permanently mounted which stands apart from and is not attached to any building or structure.

(B) Freestanding signs shall comply with the following regulations.

(1) Freestanding signs shall be limited to one per lot in those districts where said signs are allowed; provided, however, that, any establishment on a lot with frontage on two streets shall be allowed to erect one freestanding sign on each, of the two street frontages if each sign meets all other provisions of this code, including the total allowable sign area for such signs.

(2) No part of any freestanding sign shall be located closer than ten feet from the public right-of-way or obstruct motorists' view.

(3) It is preferred that all freestanding signs shall be monument style unless an issue of particular physical surroundings, shape or topographical conditions of the specific property involved would result in an excessive structure or contribute to an unsafe condition.

(4) The maximum height of any freestanding sign shall not exceed 30 feet above the curb line.

(Prior Code, § 20-1407) (Ord. 1564, passed 2-16-2010; Ord. 1631, passed 12-5-2011; Ord. 1699, passed 3-17-2014; Ord. 1811, passed 2-20-2018) Penalty, see § 154.999

§ 154.152 OFF-PROPERTY FREESTANDING SIGNS.

(A) *Off-premises signs (special use permit required).*

(1) (a) *Special use permit.* Off-premise signs shall be permitted only by a special use permit and following section 154.213 of this code.

(b) *Exception.* Any establishment which lacks frontage on a public street may erect a freestanding sign at the closest intersection of any public road indicating the access way to the establishment

(2) (a) Anyone wishing to erect an offsite sign must receive written permission from the state or county along the street/highways mentioned below.

1. Frank Scott Parkway;
2. Highway 159;
3. Highway 161.

(b) Anyone erecting an off-property freestanding sign must submit either a legal description or a recorded easement of the area that the erected sign will be located and/or proof of ownership of a parcel along the above mentioned roads.

(B) *Temporary off-property sign.* Temporary off-property freestanding signs would need the owner's permission in writing to erect the temporary sign and the exact location of said sign on the parcel. Temporary signs may not exceed 60 days.

(C) There shall be no more than one sign per lot/parcel for each business, the gross allowable sign area shall not exceed 200 square feet per lot. The height shall be restricted to 15 feet above any above mentioned street grade.

Penalty, see § 154.999

§ 154.153 PROJECTING SIGNS.

(A) A projecting sign is any sign which is attached to a building or structure, but which projects from the plane of the wall to which it is attached by more than 18 inches.

(B) Projecting signs shall comply with the following regulations.

(1) No establishment shall display more than one projecting sign on any street front.

(2) No projecting sign shall:

(a) Extend above the roof line of the building to which it is attached;

(b) Extend below a point eight feet above the center of the frontage pavements;

(c) Project over a driveway or beyond the curb line of any public street;

(d) Project more than four feet from the building to which it is attached; or

(e) Exceed four square feet in area.

(Prior Code, § 20-1409) (Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.154 FLUSH-MOUNTED SIGNS.

(A) A flush-mounted sign is any sign mounted in such a way that the plane of its face is parallel to the plane of the wall to which it is attached, including those integrated into the surface of the wall itself. Flush-mounted signs also include window signs, which are, defined as any sign visible from the exterior

of the building or structure, which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passerby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

(B) Flush-mounted, wall and window signs shall comply with the following regulations:

(1) No flush-mounted, wall or window sign shall:

(a) Project more than 18 inches from the wall or surface to which it is attached; or

(b) Extend above the roof line of the building to which it is attached.

(2) Flush-mounted wall or window signs may be placed on any side or sides of a building except the rear, but signs on side walls that lack street frontage shall not be illuminated.

(Prior Code, § 20-1410) (Ord. 1648, passed 5-21-2012; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.155 CANOPY, AWNING AND MARQUEE SIGNS.

(A) Signs mounted flush on any canopy, awning, marquee or similar overhang shall be considered flush-mounted or wall signs and shall meet the requirements of § 154.154 of this chapter.

(B) Signs suspended beneath a canopy, awning, marquee or similar overhang shall be considered projecting signs and shall meet the requirements of § 154.152 of this chapter.

(Prior Code, § 20-1411) (Ord. 1699, passed 3-17-2014)

§ 154.156 CERTIFICATE OF SIGN COMPLIANCE.

Any person, firm or corporation wishing to erect any sign other than those expressly permitted by § 154.148 of this chapter shall first secure a certificate of sign compliance in accordance with the provisions of § 154.210(A) of this chapter.

(Prior Code, § 20-1412) (Ord. 1699, passed 3-17-2014)

§ 154.157 NON-CONFORMING SIGNS.

Any otherwise lawful non-conforming sign which exists on the effective date of this subchapter may lawfully remain, subject to the following provisions.

(A) *Maintenance.* A non-conforming sign may be maintained by ordinary repairs.

(B) *Alterations, enlargement.* A non-conforming sign shall not be altered or enlarged in any way which would increase its non-conformity, except as follows.

(1) Re-facing the sign to change the name of the business is permitted.

(2) Enlargement of a sign is permitted; provided that, the enlargement complies with the allowable sign area and sign illumination regulations of this subchapter.

(C) *Relocation.* A non-conforming sign shall not be moved unless, after relocation, it will conform to all of the regulations of this subchapter.

(D) *Reconstruction.*

(1) A non-conforming sign which is destroyed by any means shall not be reconstructed unless, after reconstruction, the sign will conform to all applicable regulations of this subchapter. Exception: a non-conforming sign which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 50% of the sign's replacement value at the time of loss, unless, after reconstruction, the sign will conform to all applicable regulations of the district in which it is located.

(2) In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than 50% of the sign's replacement value at the time of loss, repairs or reconstruction shall be permitted; provided, such work begins within six months from the date the damage occurred and is completed within one year after construction begins.

(3) The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide sign contractor, and that the sign's value at the time of loss be determined by a licensed real estate appraiser.

(4) The owner of the damaged sign shall be responsible for obtaining these estimates on behalf of the Zoning Administrator.

(E) *Vacant/discontinued businesses.* Signs in place at vacant businesses may remain and be reused.

(F) *Non-conformities under permit authority.* The regulations of this subchapter shall not effect the terms of any permit issued prior to the effective date of this subchapter, or any pertinent amendment thereto; provided that, the work authorized by such permit is completed within a reasonable time.

(Prior Code, § 20-1413) (Ord. 1564, passed 2-16-2010; Ord. 1578, passed 6-7-2010; Ord. 1637, passed 3-5-2012; Ord. 1699, passed 3-17-2014)

§ 154.158 VIOLATIONS.

(A) *General.*

(1) The Zoning Administrator or his or her designee shall order the removal of any sign erected or maintained in violation of this subchapter, by giving seven days' notice in writing to the owner of such sign, or to the owner of the building, structure or premises on which such sign is located.

(2) Such notice shall require the owner to remove the sign or to bring it into compliance, at the owner's expense.

(3) The Zoning Administrator or his or her designee may remove a sign immediately, without notice, and at the owner's expense, if said sign is attached to a public utility pole, street sign or located on the public right-of-way; or if said sign is in violation of this subchapter and is advertising an event which is set to occur before the provisions of this section could normally be enforced; or if, in his or her opinion, the condition of the sign presents an immediate threat to the safety of the public.

(B) Reconstruction.

(1) A non-conforming sign which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 50% of the sign's replacement value at the time of loss, unless, after reconstruction, the sign will conform to all applicable regulations of the district in which it is located.

(2) In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than 50% of the sign's replacement value at the time of loss, repairs or reconstruction shall be permitted; provided, such work begins within six months from the date the damage occurred and is completed within one year after construction begins.

(3) The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide sign contractor, and that the sign's value at the time of loss be determined by a licensed real estate appraiser.

(4) The owner of the damaged sign shall be responsible for obtaining these estimates on behalf of the Zoning Administrator.

(Prior Code, § 20-1414) (Ord. 1479, passed 1-22-2007; Ord. 1699, passed 3-17-2014)

ADULT USES

§ 154.170 PURPOSE AND INTENT.

(A) Purpose.

(1) The purpose of this subchapter is to regulate adult businesses in order to promote the health, safety and general welfare of the citizens of the village and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult uses within the village.

(2) The provisions of this subchapter have neither the purpose nor effect of imposing a limitation or restriction on the content of, or reasonable access to, any communicative materials, including adult-oriented materials.

(3) Similarly, it is neither the intent nor effect of this subchapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment to the United States Constitution or Art. I, § 4, of the State Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market.

(4) Neither is it the intent, nor effect, of this chapter to condone or legitimize the distribution of obscene material.

(B) *Findings.*

(1) Adult and adult-oriented businesses, as defined herein, should be regulated.

(2) They should be segregated from one another and from houses of worship, schools, parks and residential neighborhoods to protect the public health, welfare and safety because, inter alia, adult-oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, illicit and unsanitary sexual activity, illicit drug use, decreased desirability of and negative impacts on the use of surrounding properties, blight, litter and sexual assault and exploitation.

(3) The village has a substantial government interest in preventing each of the aforementioned adverse effects.

(Prior Code, § 20-1601) (Ord. 1494, passed 8-7-2007; Ord. 1699, passed 3-17-2014)

§ 154.171 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BOOK/VIDEO STORE. An establishment having 20% or more of its stock in trade in books, magazines or other periodicals, films, videos, DVDs (for rent or sale) or other visual media or viewing on premises, but not viewing booths which are prohibited below, which are distinguished or characterized by their principal emphasis on matters depicting describing, or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activities or specified anatomical areas.

ADULT BUSINESS/ADULT-ORIENTED BUSINESS. Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to, the following: adult book stores; adult motion picture theaters; adult entertainment centers; adult nightclubs

or adult spas, where specific anatomical areas are displayed, explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

ADULT ENTERTAINER. Any individual who engages in the activities defined below under “adult nightclub”, and who receives a salary, wages, tips, gratuities or other remuneration (either from patrons of a business, or from the owner, operator and/or his or her assigns, partners, employees or agents of that business) for engaging in such activities.

ADULT ENTERTAINMENT BUSINESS. See **ADULT BUSINESS.**

ADULT ENTERTAINMENT CABARET. See **ADULT NIGHTCLUB.**

ADULT MOTION PICTURE THEATER. An establishment with a capacity of 50 or more persons, used regularly and routinely for the viewing of motion pictures having as a dominant theme material distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct or specified anatomical areas for observation by patrons therein.

ADULT NIGHTCLUB. A public or private establishment, which is licensed to serve food or alcoholic beverages, which features dancers or waitresses, or strippers, go-go dancers, exotic dancers, male or female impersonators, or similar entertainment, or where explicit sexual conduct is depicted and/or sexual activities explicitly or implicitly encouraged or implied.

ADULT NOVELTY STORE. An establishment having at least 20% of its stock in trade in devices, clothing, novelties, lotions and other items which are distinguished or characterized by their principal emphasis on or use for explicit sexual activities or specific anatomical areas.

ADULTS ONLY. Any items or activities for persons 18 years of age or older emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activities or specified anatomical areas.

ADULT SPA OR SAUNA. An establishment primarily in the business of providing massage services and/or steam baths, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated. Such establishments and all masseuses employed at such establishments shall be licensed in accordance with state regulations.

ADULT SUPER CENTER. An establishment having any combination of the adult-oriented businesses defined in this subchapter.

BODY SHOP or MODEL STUDIO. A public or private establishment where for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing,

readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct or specific anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

HOUSE OF WORSHIP. Any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

NUDE/NUDITY. The display of the human male or female genitalia, pubic hair, perineum, anal or pubic regions, female breast with no covering or with less than fully opaque covering. Any person insufficiently clothed in any manner so that any of the following body parts are not entirely covered with a fully opaque covering (body paint, body dyes, liquid latex and similar substances shall not be considered opaque coverings):

- (1) The male or female genitals;
- (2) The male or female anal or pubic areas;
- (3) Pubic hair;
- (4) The female breast (at or below the areola); or
- (5) The buttocks (attire which is considered insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs and thongs).

RAP PARLOR. An establishment or place primarily in the business of providing non-professional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

RESIDENCE. Any structure used by one or more persons as a dwelling.

SEXUAL ACTIVITY/CONDUCT. Any of the following conditions:

- (1) Human genitals in the state of sexual stimulation or arousal;
- (2) Acts or representation of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation;
- (3) Fondling or erotic touching of human genitals, anal or pubic region, buttock or female breast; and
- (4) Excretory functions as part of or in connection with any activities set forth in divisions (1) through (3) above.

SEXUAL OR GENITAL AREA. A term used to include the genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.

SPECIFIED ANATOMICAL AREAS. Any of the following conditions:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region or pubic hair;

(b) Anus and/or buttock; and

(c) Female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

VIEWING BOOTH. Any booth, cubical, room or stall within the premises of an adult oriented business used to display by audio or visual reproduction, projection or other means, any of the specified anatomical areas as defined above.

(Prior Code, § 20-1602) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.172 LOCATION.

Adult business shall be permitted within the PB Districts and shall be special uses within the HB, HI and LI Zoning Districts, and shall be subject to the following restrictions.

(A) No adult business shall be permitted within 650 feet of another existing adult business.

(B) No adult business shall be located within 650 feet of any residentially classified zoning district, including single-family residential, multi-family residential and mobile home residential.

(C) No adult business shall be located within 650 feet of an existing school, place of worship, park, library, day care center or playground.

(Prior Code, § 20-1603) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.173 MEASUREMENT OF DISTANCES.

For the purpose of this subchapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the adult business to the nearest property line of a school, place of worship, park, library, playground, day care center, district zoned for residential use or another adult use.

(Prior Code, § 20-1604) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.174 LICENSING.

(A) It shall be unlawful for any person, firm or corporation to engage in, conduct or carry on or to permit to be engaged in, conducted or carried on, in or upon any premise within the village, the operation of an adult oriented business, without first having obtained a license for such adult business.

(B) Every applicant for a license to maintain, conduct or conduct an adult business shall file an application upon the form provided by the Village Clerk furnishing the following information:

- (1) The applicant's name;
- (2) The applicant's permanent home address, length of residency and, if less than three years, previous address;
- (3) The applicant's age and marital status and, if married, the name of his or her spouse;
- (4) The name and address of the person, firm, corporation, partnership or association with whom the applicant is employed or represents; and the length of time of such employment or representation;
- (5) Name and address of the applicant's employer during the past three years, if different from the present employer;
- (6) The date or approximate date, the most recent application for license for an adult business, if any, was made by the applicant;
- (7) A statement of whether a license for an adult business issued to the applicant under this section has been revoked;
- (8) The name of the business, the business location and legal description of the property and a description of the type of adult business;
- (9) A sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale, or drawn with marked dimensions of the interior of the premises to, an accuracy of plus or minus six inches;
- (10) A statement of each and every conviction for violation of any provision of this section or any other code of any other Illinois municipality or other local government entity regulating adult businesses;
- (11) A statement of the criminal record of the applicant, excluding traffic records;

(12) A signed statement stating the name and address of the statutory agent or other agent authorized to receive service of process; and

(13) Each applicant shall pay the application fee as denominated in § 110.03 of this code of ordinances.

(C) All statements made with respect to the application or in connection therewith shall be verified and shall be made under oath by the applicant.

(D) The Chief of Police shall keep on file an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all licenses for adult businesses issued under the provisions of this section and of the denial of any such applications.

(E) No license for an adult business shall be issued to any person who has been convicted of the commission of any felony under the laws of this or any other state or federal law, within five years prior to the date of application; nor to any person who has been convicted of a misdemeanor, in any jurisdiction, involving misrepresentation, deceit or an omission of any material fact in any commercial transaction; nor to any person who has been convicted of a violation of any of the provisions of this section; nor to any person whose license for an adult business issued hereunder has previously been revoked as herein provided.

(Prior Code, § 20-1605) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.175 ISSUANCE AND REVOCATION OF LICENSE.

(A) *Temporary license.*

(1) Upon the filing of a completed application for an adult business license, the Chief of Police shall issue a temporary license to the applicant.

(2) The temporary license shall expire upon the final administrative decision of the village to deny or grant a license.

(3) Within 30 days after the receipt of a completed application, the Chief of Police shall either issue a license or issue a written notice of intent to deny a license.

(B) *Reasons for refusal to grant a license.* The Chief of Police shall approve the application and grant an adult business license, unless one or more of the following is true:

(1) An applicant is less than 18 years of age;

(2) An applicant has failed to provide the information required by § 154.174 of this chapter or has provided false information on the application;

(3) The premises to be used for the adult business currently are in violation of or are not in compliance with the village's health, fire or building codes, or the locational requirements of § 154.172 of this chapter;

(4) The applicant failed to pay the license application fee; or

(5) The applicant has a license under this part that has been revoked within the previous year.

(C) License term and restrictions.

(1) The granting of a license to a licensee for an adult business shall be for one year and shall begin on May 1 and continue through April 30. Applications granted after May 1 of any given year shall be effective for less than a full year and shall continue through April 30.

(2) The license fees of those licenses granted after May 1 of the calendar year shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

(3) The license is non-transferable to any other person other than the applicants listed on the application, and is valid only for the location listed on the application.

(D) Renewal of license.

(1) The licensee who has been granted a license to operate an adult business, and who wishes to renew a license shall:

(a) File a renewal application of its license on the form provided by and sent to the licensee by the village before April 30; and

(b) Follow all conditions of § 154.174 of this chapter.

(2) Upon application for renewal, the licensee shall pay annual business registration fee and the corresponding license fee as denominated in § 154.176(A) of this chapter. (Prior Code, § 20-1606) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.176 LICENSE FEES AND DISPLAYING OF LICENSE.

(A) The following schedule of annual fees, excluding the one-time application fee, for the various procedures outlined in this subchapter are intended to defray administrative costs connected with such procedures, and do not constitute a tax or other revenue-raising device.

(1) Application fee: \$100, non-refundable, to be paid upon submission of the license application;

- (2) Business registration fee: \$25;
- (3) Adult book/video store license: \$1,000;
- (4) Adult motion picture theater license: \$1,000;
- (5) Adult nightclub license: \$1,000 (plus any applicable liquor license);
- (6) License for adult novelty store: \$1,000;
- (7) License for adult spa/sauna: \$1,000;
- (8) License for adult super center:
 - (a) Two thousand two hundred and fifty dollars for up to two adult businesses;
 - (b) Three thousand five hundred dollars for up to three adult businesses; and
 - (c) Five thousand dollars for four or more adult businesses.

(B) Upon issuance of a license, said license shall be prominently displayed in a conspicuous place within the adult business so that the license may be readily seen by persons entering the premises.

(C) The increased fee for a late payment of the registration fee will be the same as other business registration fees in the village and can be found at § 154.172 of this chapter.

(D) In the event a licensee fails to pay the license fee prior to April 30 of the calendar year, the license shall be suspended and all licensed business shall cease until and unless the licensee pays the license fee to the village. The suspension of a license, as provided for in this division (D), shall be exempt from the notice and other provisions found in § 154.181 of this chapter.

(Prior Code, § 20-1607) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.177 ENTERTAINER'S LICENSE.

(A) Any person who shall serve as an entertainer at a place for live adult entertainment shall apply, in writing, to the Village Clerk, upon a form to be furnished by the Village Clerk.

(B) The form shall require the following information:

- (1) The name, address, telephone number, Social Security number and date of birth of the entertainer;
- (2) The entertainer's previous addresses for the ten years prior to the filing of the application;

(3) The applicant's full criminal history, including, but not limited to, misdemeanor and juvenile offenses;

(4) The entertainer's previous employers for the ten years prior to the filing of the application;

(5) The applicant must also execute a waiver and a release permitting the village and its investigator to secure information from the applicant's previous employers. Moreover, the applicant must appear at the Police Department for fingerprinting;

(6) The applicant's mental health history for the ten years prior to the filing of the application;

(7) The names, address and telephone numbers of any and all other live adult entertainment businesses in which the applicant is a partner, an employee, an entertainer, a stockholder, a sole proprietor, affiliated or associated as either an owner or an operator;

(8) The applicant must also present two forms of photographic identification;

(9) The applicant must provide written statements from not less than three bona fide residents of the city, setting forth that the applicant is of good moral character; and

(10) A certificate from a medical doctor designating that the applicant has, within the 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable diseases, including, but not limited to, venereal disease, HIV, hepatitis or other such diseases.

(Prior Code, § 20-1608) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.178 EMPLOYEES/PATRONS.

(A) It shall be unlawful for any person under the age of 18 years of age to be employed in any capacity within an adult business.

(B) It shall be unlawful for anyone under the age of 18 years of age to patronize or enter an adult business.

(Prior Code, § 20-1609) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.179 PERIODIC INSPECTION.

(A) To ensure compliance with the specific regulations of this subchapter, adult businesses licensees and their employees shall permit officers or agents of the village to inspect, from time to time on an occasional basis, portions of the adult business premises where patrons are permitted, during those times when the adult business is occupied by patrons or is open for business.

(B) The village shall construe this section narrowly to authorize reasonable inspections of the permitted premises pursuant to this subchapter, but not to authorize a harassing or excessive pattern of inspections.

(Prior Code, § 20-1610) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.180 EXPIRATION OF LICENSE

Each license shall expire on April 30 and may be renewed only by filing an application as provided in § 154.175(D) of this chapter.

(Prior Code, § 20-1611) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.181 SUSPENSION OF LICENSE.

(A) The village shall issue a written notice of intent to suspend a license for a period not to exceed 30 days, if a licensee has knowingly violated any section of this subchapter, or has knowingly allowed an employee of the adult business to violate this subchapter.

(B) The issuance of a written notice of intent to suspend shall not be a prerequisite to the issuance of a written notice of intent to revoke a license per § 154.182 of this chapter.

(C) The license shall also be suspended, for failure to pay the license fee prior to April 30 of the calendar year, as enumerated in § 154.176(D) of this chapter.

(Prior Code, § 20-1612) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.182 REVOCATION OF LICENSE.

(A) The village shall issue a written notice of intent to revoke an adult business license, if a cause of suspension in § 154.181 of this chapter occurs, and the license has been suspended within the preceding 12 months.

(B) The village shall issue a written notice of intent to revoke an adult business license, if a licensee:

(1) Provided false information in conjunction with the application for the adult business license;

(2) Allowed possession, use or sale of controlled substances on the premises;

(3) Allowed prostitution on the premises;

(4) Operated the adult business during a period of time when the licensee's license was suspended; and

(5) Allowed a any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

(C) When, after the notice and hearing procedure described in § 154.183 of this chapter, the village revokes a license, the revocation shall continue for one year.

(D) The licensee shall not be issued a license for one year from the date the revocation becomes effective; provided that, if the conditions of § 154.183(D) of this chapter are met, a provisional license will be granted.

(Prior Code, § 20-1613) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.183 HEARING ON LICENSE DENIAL, SUSPENSION OR REVOCATION.

(A) *Notice.*

(1) If facts exist for denial, suspension or revocation of a license under this subchapter, the Chief of Police shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend or revoke the license, including the grounds thereof, by personal, delivery or certified mail.

(2) The notification shall be directed to the most current business address on file with the Chief of Police.

(3) Within five working days of receipt of such notice, the respondent may provide to the Chief of Police, in writing, a response that shall include a statement of reasons why the license should not be denied, suspended or revoked.

(4) Within three days of the receipt of respondent's written response, the Board Trustees shall notify respondent in writing of the hearing date on respondent's denial, suspension or revocation proceeding.

(B) *Hearing.* At the next regularly scheduled meeting of the Board of Trustees after receipt of respondent's written response, the Board of Trustees shall conduct a hearing, at which respondent shall have the opportunity to be represented by counsel, and to present evidence and witnesses on his or her behalf.

(C) *Decision.*

(1) The Board of Trustees shall issue a written opinion and decision within five days of the hearing.

(2) (a) If a response is not received by the Board of Trustees in the time provided or, if after a hearing, the Board of Trustees finds that grounds as specified in this subchapter exist for denial, suspension or revocation, then such denial, suspension or revocation shall become final five days after the Board of Trustees sends, by certified mail, written notice that the license has been denied, suspended or revoked.

(b) Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.

(3) If the Board of Trustees finds that no grounds exist for denial, suspension or revocation of a license, then within five days after the hearing, the Board of Trustees shall withdraw the intent to deny, suspend or revoke the license, and shall so notify the respondent in writing by certified mail of such action, and shall contemporaneously issue the license.

(D) Appeal and provisional license.

(1) When a decision to deny, suspend or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied, or whose license has been suspended or revoked, shall have the right to appeal such action to a court of competent jurisdiction.

(2) Upon the filing of any court action to appeal, challenge, restrain or otherwise enjoin the village's enforcement of the denial, suspension or revocation, the village shall immediately issue the aggrieved party a provisional license.

(3) The provisional license shall allow the aggrieved party to continue operation of the adult business or to continue employment as an adult business employee, as the case may be, and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain or otherwise enjoin the village's enforcement.

(Prior Code, § 20-1614) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.184 HOURS OF OPERATION.

No adult business shall be open to the public between the hours of 12:00 midnight and 5:00 a.m. of each day, including those adult businesses licensed to sell alcoholic beverages.

(Prior Code, § 20-1615) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.185 SIGNAGE AND WINDOW DISPLAYS.

(A) In addition to the sign regulations listed in §§ 154.145 through 154.158 of this chapter, all signs for adult businesses shall comply with the following: window displays advertising adult products or depicting any adult theme shall be prohibited.

(B) All windows shall be opaque in order to prevent pedestrians and/or the motoring public from viewing any products or activities inside the establishment.

(Prior Code, § 20-1616) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.186 EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

(A) A person who operates or causes to be operated a sexually oriented business shall not exhibit on the premises, in any form, a viewing booth, as defined above.

(B) This section is not intended to prohibit adult motion picture theaters, as defined above.

(Prior Code, § 20-1617) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.187 EXHIBITION OF A NUDE ADULT ENTERTAINER PROHIBITED.

(A) Any adult entertainer performing, dancing or otherwise employed by an adult nightclub shall not be nude, as defined above.

(B) At all times shall an adult entertainer cover his or her genital area, as defined above.

(Prior Code, § 20-1618) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014) Penalty, see § 154.999

§ 154.188 CULPABLE MENTAL STATE REQUIRED.

(A) Where any provision or offense herein fails to state a necessary level of culpability to establish a violation or liability, the offense shall be established upon a showing that the person acted knowingly or recklessly with regard to the predicate act.

(B) Notwithstanding anything to the contrary, for the purposes of this subchapter, an act by an employee shall be imputed to the adult business licensee to establish a violation of this subchapter, or to deny, suspend or revoke a license, only if a licensee allowed, either knowingly or recklessly, a violation of this subchapter to occur.

(C) It shall be a defense to liability that the adult business licensee was powerless to prevent the violation.

(Prior Code, § 20-1619) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

§ 154.189 FAILURE OF OFFICIAL TO MEET TIME FRAME.

(A) In the event that a government official is required to take an act or to do a thing pursuant to this subchapter within a prescribed time, and fails to take such act or to do such thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant or licensee.

(B) If the act required of the official under this subchapter, but not completed in the time prescribed, includes approval of condition(s) necessary for the village’s approval of an application for an adult business license (including a renewal), the applicant or license shall be deemed to have satisfied the condition(s) for which approval was sought.

(Prior Code, § 20-1620) (Ord. 1494, passed 8-6-2004; Ord. 1699, passed 3-17-2014)

ADMINISTRATION AND ENFORCEMENT

§ 154.200 APPLICATION FEES.

(A) The following schedule establishes application fees for the various certificates, permits and procedures listed in this chapter, which are intended to defray the administrative costs connected with the processing of such applications, and as such do not constitute a tax or other revenue-raising device.

<i>Application For</i>	<i>Fee</i>
Amendment to the map (rezoning)	\$225
Amendment to the text	\$225
Appeal	\$225
Certificate of non-conformance	\$20
Certificate of sign compliance	\$50
Certificate of zoning compliance (initial and final)	\$35
Special use permit	\$225
Variation	\$225

(B) Until such fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application.

(Prior Code, § 20-1502) (Ord. 1551, passed 5-18-2009; Ord. 1699, passed 3-17-2014; Ord. 1790, passed 9-18-2017)

§ 154.201 AUTHORITY.

(A) The primary authority for administration and enforcement of the provisions of this chapter shall be vested in the following:

- (1) Zoning Administrator;
- (2) Planning and Zoning Board; and
- (3) Board of Trustees.

(B) In addition to the above, other officials, appointees or employees of the village may be required and authorized to perform functions authorized in this chapter.

(Prior Code, § 20-1503) (Ord. 1699, passed 3-17-2014)

§ 154.202 ZONING ADMINISTRATOR.

(A) *General.* There is hereby created the position of Zoning Administrator who is hereby authorized and directed to administer and enforce the provisions of this chapter.

(Prior Code, § 20-1504)

(B) *Appointment and term of office.*

(1) The Zoning Administrator shall be appointed annually by the President of the Board of Trustees, with the advice and consent of the Board of Trustees.

(2) The Zoning Administrator's term shall commence each May with the first regular meeting of the Board of Trustees, and continue for one year or until his or her successor is appointed and has qualified.

(Prior Code, § 20-1505)

(C) *Compensation.* The Zoning Administrator shall receive a salary or compensation such as is provided by the President and the Board of Trustees.

(Prior Code, § 20-1506)

(D) *Duties and responsibilities.* The Zoning Administrator, or his or her authorized representative, shall administer and enforce the provisions of this chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

(1) To provide information to the general public on matters related to this chapter, assist them in understanding its provisions and assist them in any application process;

(2) To review all applications for initial and final certificates of zoning compliance, determine compliance with the provisions of this chapter, notify the applicant of any matters of non-compliance and issue initial and final certificates of zoning compliance when appropriate;

(3) To review all applications for certificates of non-conformance and issue such certificates when appropriate;

(4) To review the provisions of this chapter and render decisions on matters relative to those provisions;

(5) To review and forward to the Planning and Zoning Board, all applications for variation and appeals;

(6) To review and forward to the Planning and Zoning Board, all applications for special use permits, amendments to the text and amendments to the official zoning map;

(7) To provide technical support to the Planning and Zoning Board;

(8) To issue certificates or permits for all variations, special uses, planned businesses and planned unit developments, as approved by the Board of Trustees;

(9) To inspect lots, structures and uses to determine compliance with this chapter and, where there are violations, to initiate appropriate corrective action;

(10) To maintain up-to-date records of matters related to this chapter including, but not limited to, district maps, certificates of zoning compliance, special use permits, variances, interpretative decisions of the Board of Zoning Appeals, amendments and all applications/documents related to any of these items;

(11) To prepare and cause to be published, on or before March 31 of each year, a map showing the existing zoning district classifications and divisions in effect on the preceding December 31, if those classifications have been amended during the preceding calendar year; and

(12) To keep the President and Board of Trustees advised of zoning activities by written report presented at the second regular meeting each month, and to perform such other duties as the Board of Trustees may, from time to time, prescribe.

(Prior Code, § 20-1507)

(Ord. 1699, passed 3-17-2014)

§ 154.203 COMPLAINTS.

(A) Whenever any person alleges that a violation of the provisions of this chapter has occurred, that person shall file a written complaint on forms provided by the Zoning Administrator.

(B) The Zoning Administrator shall record such complaints, promptly investigate and, if necessary, institute appropriate corrective action.
(Prior Code, § 20-1508) (Ord. 1699, passed 3-17-2014)

§ 154.204 CORRECTIVE ACTION ORDERS; CONTENTS OF ORDER; SERVICE OF ORDER.

(A) *General.* Whenever the Zoning Administrator finds, by complaint, inspection or otherwise, that any lot, structure or use, or work thereon, is in violation of this chapter, he or she shall so notify the responsible party, and shall order appropriate corrective action.
(Prior Code, § 20-1509)

(B) *Contents of order.* Every order to take corrective action shall be issued in writing and shall at least include:

- (1) A description of the premises sufficient for identification;
- (2) A statement indicating the nature of the violation;
- (3) A statement of the corrective action necessary to effect compliance;
- (4) The date by which the violation must be corrected;

(5) A statement that the alleged violator is entitled to a conference with the Zoning Administrator if he or she so desires;

(6) The date by which an appeal of the corrective action order must be filed and a statement of the procedure for so filing; and

(7) A statement that failure to obey a corrective action order shall result in revocation of an issued certificate of zoning compliance and may result in the imposition of fines.
(Prior Code, § 20-1510)

(C) *Service of order.* A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure or use if it is:

- (1) Served upon him or her personally;
- (2) Sent by certified mail to his or her last known address; or

(3) Posted in a conspicuous place on or about the affected premises.
(Prior Code, § 20-1511)
(Ord. 1699, passed 3-17-2014)

§ 154.205 STOP WORK ORDERS.

Whenever any work is being done in violation of an initial certificate of zoning compliance, the Zoning Administrator's corrective action order may state that the violation must cease immediately, in which case, the corrective action order is equivalent to a stop work order.
(Prior Code, § 20-1512) (Ord. 1699, passed 3-17-2014)

§ 154.206 EMERGENCY MEASURES.

Notwithstanding any other provisions of this chapter, whenever the Administrator determines that any violation of this chapter poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.
(Prior Code, § 20-1513) (Ord. 1699, passed 3-17-2014)

§ 154.207 INITIAL CERTIFICATES OF ZONING COMPLIANCE; ISSUANCE; APPLICATION; DURATION OF CERTIFICATE; RELATIONSHIP TO BUILDING PERMITS.

(A) *General.* An initial certificate of zoning compliance is issued by the Zoning Administrator and indicates that he or she has reviewed all plans for a proposed development and found those plans to be in compliance with the provisions of this chapter, thereby authorizing the applicant to proceed with securing all required building permits.
(Prior Code, § 20-1514)

(B) *Issuance.*

(1) Upon the effective date of this chapter, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been applied for and issued.

(2) The Zoning Administrator shall not issue an initial certificate of zoning compliance, unless, following consultation with technically qualified persons as necessary, he or she determines that the proposed activity conforms to the applicable provisions of this chapter.
(Prior Code, § 20-1515) (Ord. 1699, passed 3-17-2014)

(C) *Application.*

(1) Any person seeking an initial certificate of zoning compliance shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this chapter.

(a) If the Zoning Administrator finds that the plans, as submitted, comply with all provisions of this chapter, he or she shall issue an initial certificate of zoning compliance, thereby authorizing the applicant to proceed with securing all required building permits.

(b) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this chapter, he or she shall promptly notify the applicant of the deficiencies and identify corrections that are necessary in order to bring the plans into compliance.

(2) In addition to the required application form, the applicant shall submit the following:

(a) A site plan, drawn to scale, showing the proposed ground area, height and bulk of the building or structure, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields and water wells; the names and location of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;

(b) A copy of the legal description of the property in question; and

(c) Detailed drawings and plans for any and all proposed buildings and structures.

(Prior Code, § 20-1516)

(D) *Duration of certificate.* Initial certificates of zoning compliance shall be valid for one year from the date of issue, or until revoked for failure to abide by a corrective action order. The Zoning Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request; provided, the applicant is making a good faith effort to complete the authorized work.

(Prior Code, § 20-1517)

(E) *Relationship to building permits.* Upon the effective date of this chapter, no building permit for the erection, enlargement, extension, alteration or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

(Prior Code, § 20-1518)

(Ord. 1699, passed 3-17-2014)

§ 154.208 FINAL CERTIFICATES OF ZONING COMPLIANCE; ISSUANCE.

(A) A final certificate of zoning compliance is issued by the Zoning Administrator and indicates that he or she has reviewed the actual construction of a proposed development and found that construction to be in compliance with plans submitted at the time of application and, therefore, in compliance with the provisions of this chapter.

(Prior Code, § 20-1519)

(B) (1) No lot, or part thereof, recorded or developed after the effective date of this chapter, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated or reconstructed after the effective date of this chapter, shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued.

(2) The Zoning Administrator shall not issue a final certificate of zoning compliance until it has been determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this chapter.

(Prior Code, § 20-1520)

(Ord. 1699, passed 3-17-2014)

§ 154.209 CERTIFICATES OF NON-CONFORMANCE; ISSUANCE; APPLICATION; DURATION OF CERTIFICATE.

(A) *General.* A certificate of non-conformance is issued by the Zoning Administrator and indicates that he or she has reviewed a specific building, structure, lot or use, at the request of the applicant, and has determined that the building, structure, lot or use lawfully existed prior to the effective date of this chapter, and though not in conformance with all provisions of this chapter, shall be allowed to remain within the provisions of §§ 154.095 through 154.101 of this chapter.

(Prior Code, § 20-1521)

(B) *Issuance.* The Zoning Administrator shall not issue a certificate of non-conformance, unless, following consultation with technically qualified persons as necessary, he or she determines that the building, structure, lot or use lawfully existed prior to changes in the zoning regulations which created the non-conformity.

(Prior Code, § 20-1522)

(C) *Application.*

(1) Any person seeking a certificate of non-conformance shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the building, structure, lot or use lawfully existed prior to changes in the zoning regulations, which created the non-conformity.

(a) If the Zoning Administrator finds that the building, structure, lot or use lawfully existed prior to changes in the zoning regulations, which created the non-conformity, he or she shall issue a certificate of non-conformance, thereby authorizing the building, structure, lot or use to continue within the provisions of §§ 154.095 through 154.101 of this chapter.

(b) If the Zoning Administrator should find that the building, structure, lot or use did not lawfully exist prior to changes in the zoning regulations, which created the non-conformity, he or she shall promptly notify the applicant of his or her findings, and identify corrections that are necessary in order to bring the building, structure, lot or use into compliance with this chapter.

(2) In addition to the required application form, the applicant shall submit the following:

(a) A site plan, drawn to scale, showing the actual ground area, height and bulk of all buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, till fields and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;

(b) A copy of the legal description of the property in question; and

(c) Detailed documentation, which supports the claim of lawful existence prior to changes in the zoning regulations, which created the non-conformity.
(Prior Code, § 20-1523)

(D) *Duration of certificate.* Certificates of non-conformance shall be valid from the date of issue; provided that, no amendment to the provisions of this chapter occurs which would invalidate such certificate; and, provided that, no alteration to the building, structure, lot or use occurs which would invalidate the information originally submitted on the application for certificate of non-conformance.

(Prior Code, § 20-1524)

(Ord. 1699, passed 3-17-2014)

§ 154.210 CERTIFICATES OF SIGN COMPLIANCE; ISSUANCE; APPLICATION; DURATION OF CERTIFICATE.

(A) *General.* A certificate of sign compliance is issued by the Zoning Administrator and indicates that he or she has reviewed all plans for a proposed sign and found those plans to be in compliance with the provisions of this chapter, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation.

(Prior Code, § 20-1525)

(B) *Issuance.*

(1) Upon the effective date of this chapter, no sign shall be installed, erected, enlarged, extended, altered, relocated or reconstructed, until a certificate of sign compliance has been applied for and issued.

(2) The Zoning Administrator shall not issue a certificate of sign compliance, unless, following consultation with technically qualified persons as necessary, he or she determines that the proposed activity conforms to the applicable provisions of this chapter.
(Prior Code, § 20-1526)

(C) *Application.*

(1) Any person seeking a certificate of sign compliance shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this chapter.

(a) If the Zoning Administrator finds that the plans, as submitted, comply with all provisions of this chapter, he or she shall issue a certificate of sign compliance, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation.

(b) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this chapter, he or she shall promptly notify the applicant of the deficiencies and identify corrections that are necessary in order to bring the plans into compliance.

(2) In addition to the required application form, the applicant shall submit, if not previously submitted, the following:

(a) A site plan, drawn to scale, showing the proposed ground area, height and bulk of all signs, the lot lines and dimensions, the location of building lines to lot lines, the location of any easements, underground utilities, septic tanks, tile fields and water wells, the names and locations of adjoining streets; and the location of accessways and off-street parking areas in relation to those streets;

(b) A copy of the legal description of the property in question; and

(c) Detailed drawings and plans for all proposed signs.

(Prior Code, § 20-1527)

(D) *Duration of certificate.* Certificates of sign compliance shall be valid for one year from the date of issue, or until revoked for failure to abide by a corrective action order.

(Prior Code, § 20-1528)

(Ord. 1699, passed 3-17-2014)

§ 154.211 APPEALS; HEARING; DECISIONS; STAY OF PROCEEDINGS.

(A) *General.*

(1) The Planning and Zoning Board shall hear and decide appeals from any order, requirement or determination made by the Planning and Zoning Administrator or other administrative official.

(2) An appeal in which it is alleged that there is an error in any decision made by the Planning and Zoning Administrator under this chapter may be taken to the Planning and Zoning Board by any person or governmental agency aggrieved by such decision.

(3) Every appeal shall be filed by the applicant with specifics of the action complained of, within 45 days.
(Prior Code, § 20-1529)

(B) *Hearing.*

(1) The Planning and Zoning Board shall promptly schedule a public hearing following notice of the appeal and shall, thereafter, give notice of said hearing to the parties involved, including the applicant and the Planning and Zoning Administrator.

(2) Notice of the time and place for said hearing shall be published at least once in a newspaper of general circulation in the village, not more than 30 days, nor less than 15 days, before said hearing.
(Prior Code, § 20-1530)

(C) *Decisions.*

(1) (a) The Planning and Zoning Board shall render a written decision on the appeal within a reasonable time, but in no event shall that decision be rendered more than 90 days after the filing of the notice of appeal by the Clerk.

(b) Any member of the Planning and Zoning Board who was absent from the public hearing, but certifies that he or she has read the transcript of the proceedings before the Board, may vote upon any question before the Board.

(2) The Board shall promptly forward a copy of the decision to the applicant, Planning and Zoning Administrator and Village Clerk.

(3) The Board may affirm, or may, upon the concurring vote of five members, reverse, wholly or in part, or modify the decision of the Planning and Zoning Administrator, as, in its opinion, ought to be done and, to that end, shall have the powers of the Planning and Zoning Administrator.

(4) All decisions rendered by the Planning and Zoning Board on any administrative order, requirement, decision or determination of the Planning and Zoning Administrator shall, in all instances, be final administrative determinations, and shall be subject to judicial review only in accordance with applicable law.
(Prior Code, § 20-1531) (Ord. 1699, passed 3-17-2014)

(D) *Stay of proceedings.*

(1) An appeal shall stay all proceedings in furtherance of the decision appealed, unless the Planning and Zoning Administrator certifies to the Planning and Zoning Board, after the notice of the appeal has been filed with him or her, that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property.

(2) In such a case, the proceedings shall not be stayed, unless by a restraining order, which may be granted by the Board of Trustees or by a court of record on application, on notice to the Planning and Zoning Administrator, and on due cause shown.

(Prior Code, § 20-1532)

(Ord. 1699, passed 3-17-2014)

§ 154.212 VARIATIONS; AUTHORITY TO RECOMMEND VARIATION; STANDARDS FOR ISSUANCE; APPLICATION; HEARING; FINDINGS OF FACT, RECOMMENDATION; ACTION BY THE BOARD OF TRUSTEES; EFFECT OF DENIAL; DURATION OF PERMIT.

(A) *General.* In specific cases, where practical difficulties or a particular hardship would be incurred by the strict applications of the provisions of this chapter, the Planning and Zoning Board, after conducting a public hearing, may recommend to the Board of Trustees that a variation of the regulations of this chapter be granted in accordance with this section.

(Prior Code, § 20-1533)

(B) *Authority to recommend variation.* The Planning and Zoning Board shall have the authority to recommend variation to the provisions of this chapter only in accordance with the standards outlined in division (C) below, and only in instances as set out in divisions (B)(1), (B)(2), (B)(3), (B)(4), (B)(5) and (B)(7) below:

(1) To permit any minimum setback less than that required by the applicable regulations;

(2) To permit the same off-street parking facility to qualify for two or more uses; provided that, substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

(3) To reduce the required off-street parking or loading facilities by not more than one parking or loading space, or 25% of the required spaces, whichever is greater;

(4) To increase, by not more than 25%, the maximum distance that required parking spaces are permitted to be located from the use served;

(5) To permit a variation in all districts for signs:

- (a) Relative to the maximum height above-grade or the minimum height above-grade;
- (b) Relative to the minimum setback requirements; or
- (c) Relative to the maximum projection.

(6) To permit a variation of the regulations as listed in § 152.04 of this code of ordinances;

or

(7) In a re-subdivision, to reduce the minimum lot dimension by no more than 5% in any dimension of any lot in a single-family residential district platted prior to 1-1-1980.

(Prior Code, § 20-1534)

(C) *Standards for issuance.* The Planning and Zoning Board shall not make a recommendation to the Board of Trustees to vary any regulation to this chapter unless, in each specific case, the Planning and Zoning has found that:

(1) The proposed variation is in harmony with the general purposes and intent of this chapter;

(2) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a practical difficulty or particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(3) The conditions upon which the application for a variation are based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

(4) The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the regulations of the zoning classification; provided, however, that, the variation is not based exclusively upon a desire to increase financial gain;

(5) The alleged difficulty or hardship is caused by this chapter and has not been created by any persons presently having an interest in the property;

(6) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

(7) The proposed variation will not:

- (a) Impair an adequate supply of light and air to the adjacent property;
- (b) Substantially increase the congestion of public streets;

- (c) Increase the danger of fire;
- (d) Endanger the public safety; or
- (e) Impair property values within the neighborhood.

(Prior Code, § 20-1535)

(D) *Application.*

(1) Every application for a variation shall be filed on forms provided by the Planning and Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(2) In addition to the required application form, the Planning and Zoning Administrator shall require the applicant to submit the following:

(a) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets; and

(b) Any and all documentation, which supports the claim of practical difficulty or specific hardship.

(3) The Planning and Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairperson and members of the Planning and Zoning Board.

(4) The Planning and Zoning Administrator shall also file every application for variation with the County Soil and Water Conservation District, as per state law.

(Prior Code, § 20-1536)

(E) *Hearing.*

(1) The Planning and Zoning Board shall schedule and hold a public hearing within 60 days after the application for variation is filed.

(2) Notice indicating the time, date and place of the hearing, and the nature of the proposed variation, shall be given not more than 30, nor less than 15, days before said hearing:

- (a) By first class mail to the applicant; and
- (b) By publication in a newspaper of general circulation within the village.

(3) (a) Any interested party, at any such hearing, may appear and testify either in person or by a duly-authorized agent or attorney.

(b) Every applicant shall have the right to present witnesses on his, her or their behalf and to request that the Chairperson subpoena persons to appear.
(Prior Code, § 20-1537)

(F) *Findings of fact, recommendation.*

(1) The Planning and Zoning Board may recommend approval or denial of the application for variation, upon the concurring vote of five members.

(2) The Planning and Zoning Board shall submit such recommendation in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than 30 days after the public hearing on the application for variation.

(3) The recommendation so submitted shall be accompanied by findings of fact specifying the reason or reasons for the recommendation, and referring to any exhibits containing plans and specifications for the proposed variation, copies of which shall remain a part of the permanent record of the Planning and Zoning Board.

(4) The terms of relief, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Planning and Zoning Board's findings.
(Prior Code, § 20-1538)

(G) *Action by the Board of Trustees.*

(1) The Board of Trustees shall not act upon a proposed variation to this chapter until it has received and reviewed a written recommendation and findings of fact of the Planning and Zoning Board.

(2) The Board of Trustees may grant or deny any variation for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning and Zoning Board; provided, however, that, any variation which fails to receive the approval of the Planning and Zoning Board shall not be passed, except by the favorable vote of at least two-thirds of the members of the Board of Trustees.

(3) The Board of Trustees, having voted to grant any variation, shall adopt said variation in ordinance form, at its next regularly scheduled meeting.

(4) If an application for a proposed variation is not acted upon finally by the Board of Trustees within 90 days of the date the Board of Trustees received the Planning and Zoning Board's recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the variation shall be deemed to have been denied.
(Prior Code, § 20-1539)

(H) *Effect of denial.* No application for a variation which has been denied by the Board of Trustees shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.
(Prior Code, § 20-1540)

(I) *Duration of variation.* Any ordinance varying the provisions of this chapter shall be invalid one year from the date of its passage and approval by the Board of Trustees, unless the variation, as permitted, has been substantially implemented by the applicant.

(Prior Code, § 20-1541)

(Ord. 1409, passed 4-18-2005; Ord. 1660, passed 9-4-2012; Ord. 1663, passed 10-1-2012; Ord. 1699, passed 3-17-2014)

Statutory reference:

Related provisions, see 70 ILCS 405/22.02(a), 65 ILCS 5/11-13-6 and 65 ILCS 5/11-13-11

§ 154.213 SPECIAL USE PERMITS; AUTHORITY TO GRANT SPECIAL USE PERMITS; STANDARDS FOR ISSUANCE; APPLICATION; HEARING; FINDINGS OF FACT, RECOMMENDATION; ACTION BY THE BOARD OF TRUSTEES; EFFECT OF DENIAL; DURATION OF PERMIT.

(A) *General.* This chapter is based upon the division of the village into districts, within which the uses of land, and the uses and bulk of buildings and structures are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be classified in any particular district upon consideration in each case of the impact of those uses upon neighboring land and uses, and for the public need for the particular uses at the particular location. Such uses fall into three categories:

(1) Uses publicly operated or traditionally affected with public interest;

(2) Uses entirely private in character, but of such an unusual nature that their operation may give to unique problems with respect to their impact upon neighboring property, public facilities or the village as a whole; and

(3) Uses, either public or private, that, because of past or present conditions, need special consideration.

(Prior Code, § 20-1542)

(B) *Authority to grant special use permits.*

(1) The Planning and Zoning Board shall have the authority to recommend granting of a special use permit only in accordance with the standards outlined in § 154.212(C) of this chapter.

(2) A special use permit shall authorize only such uses as are listed on the permit and only under the conditions of this chapter and any other conditions that may be made part of said permit. (Prior Code, § 20-1543)

(C) *Standards for issuance.* The Planning and Zoning Board shall not make a recommendation to the Board of Trustees to grant any special use permit unless, in each specific case, the Planning and Zoning Board has found that:

(1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(4) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

(5) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets;

(6) Adequate measures have been taken or will be taken to protect any facilities near the proposed special use, such as a school or nursing homes, that may require special protection.

(7) The special use shall in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Trustees pursuant to the recommendation of the Planning and Zoning Board. (Prior Code, § 20-1544)

(D) *Application.*

(1) Every application for a special use shall be filed on forms provided by the Planning and Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(2) In addition to the required application form, the Planning and Zoning Administrator shall require the applicant to submit the following: a site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.

(3) The Planning and Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairperson and members of the Planning and Zoning Board.
(Prior Code, § 20-1545)

(E) *Hearing.*

(1) The Planning and Zoning Board shall schedule and hold a public hearing within 60 days after the application for special use permit is filed.

(2) Notice indicating the time, date and place of the hearing, and the nature of the proposed special use, shall be given not more than 30, nor less than 15, days before said hearing:

(a) By first class mail to the applicant; and

(b) By publication in a newspaper of general circulation within the village.

(3) (a) Any interested party, at any such hearing, may appear and testify either in person or by a duly-authorized agent or attorney.

(b) Every applicant shall have the right to present witnesses on his, her or their behalf and to request that the Chairperson subpoena persons to appear.
(Prior Code, § 20-1546)

(F) *Findings of fact, recommendation.*

(1) The Planning and Zoning Board may recommend approval or denial of the application for special use permit, upon the concurring vote of five members.

(2) The Planning and Zoning Board shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than 30 days after the public hearing on the application for special use permit.

(3) The recommendation so submitted shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed special use, copies of which shall remain a part of the permanent record of the Planning and Zoning Board, and specifying the following:

(a) The extent to which the proposed special use departs from the zoning and subdivision regulations of the village;

(b) The conformance or non-conformance of the proposed special use with the standards for issuance listed under § 154.212(C) of this chapter;

(c) The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods; and

(d) The effect of the proposed special use on the development pattern, tax base and economic well being of the village.

(4) (a) Special conditions, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Planning and Zoning Board's findings.

(b) In recommending that a special use permit be granted, the Planning and Zoning Board shall stipulate if the permit is transferable to successive owners of the property in question, or if the permit is not transferable to any other person or any other property.

(Prior Code, § 20-1547)

(G) *Action by the Board of Trustees.*

(1) The Board of Trustees shall not act upon a proposed special use permit application until it has received and reviewed a written recommendation and findings of fact from the Planning and Zoning Board.

(2) The Board of Trustees may grant or deny any special use permit for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning and Zoning Board.

(3) The Board of Trustees, having voted to grant any special use permit, shall adopt said permit in ordinance form, at its next regularly scheduled meeting.

(4) If an application for a proposed special use is not acted upon finally by the Board of Trustees within 90 days of the date the Board of Trustees received the Planning and Zoning Board's recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the special use shall be deemed to have been denied.

(Prior Code, § 20-1548)

(H) *Effect of denial.* No application for a special use permit which has been denied by the Board of Trustees shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.

(Prior Code, § 20-1549)

(I) *Duration of permit.*

(1) Any ordinance granting a special use permit shall be invalid one year from the date of its passage and approval by the Board of Trustees, unless the special use, as permitted, has been substantially implemented by the applicant.

(2) The Board of Trustees shall require any special use permit which is issued, to stipulate the conditions of its duration if the property is sold to another person.

(Prior Code, § 20-1550)

(Ord. 1699, passed 3-17-2014)

Statutory reference:

Related provisions, see 65 ILCS 5/11-13-1.1

§ 154.214 AMENDMENTS TO THE TEXT; INITIATION; STANDARDS FOR AMENDMENT TO THE TEXT; APPLICATION; HEARING; FINDINGS OF FACT, RECOMMENDATION; ACTION BY THE BOARD OF TRUSTEES.

(A) *General.* The regulations established by this chapter may be amended from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that, the Planning and Zoning Board shall first conduct a public hearing to consider such amendment and, thereafter, submit its recommendation and findings of fact to the Board of Trustees.

(Prior Code, § 20-1551)

(B) *Initiation.* Amendments to the text may be proposed by the Board of Trustees, the Planning and Zoning Administrator, the Planning and Zoning Board or any other party in interest.

(Prior Code, § 20-1552)

(C) *Standards for amendment to the text.* The Planning and Zoning Board shall not make a recommendation to the Board of Trustees to grant any amendment to the text unless, in each specific case, the Planning and Zoning Board has found that:

(1) The proposed amendment is in harmony with the general purposes and intent of this chapter; and

(2) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the village.

(Prior Code, § 20-1553)

(D) *Application.*

(1) Every application for an amendment to the text shall be filed on forms provided by the Planning and Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(2) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairperson and members of the Planning and Zoning Board.

(Prior Code, § 20-1554)

(E) *Hearing.*

(1) The Planning and Zoning Board shall schedule and hold a public hearing within 60 days after the application for amendment to the map text is filed.

(2) Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment, shall be given not more than 30, nor less than 15, days before said hearing:

(a) By publication in a newspaper of general circulation within the village; and

(b) By first class mail to the applicant and the owners of those properties adjacent to the proposed amendment and rezoning.

(3) (a) Any interested party, at any such hearing, may appear and testify either in person or by a duly-authorized agent or attorney.

(b) Every applicant shall have the right to present witnesses on his, her or their behalf and to request that the Chairperson subpoena persons to appear.

(4) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings.
(Prior Code, § 20-1555)

(F) *Findings of fact, recommendation.*

(1) The Planning and Zoning Board may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of five members.

(2) The Planning and Zoning Board shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than 30 days after the public hearing on the application for amendment.

(3) The recommendation so submitted, shall be accompanied by findings of fact, copies of which shall remain a part of the permanent record of the Planning and Zoning Board.
(Prior Code, § 20-1556)

(G) *Action by the Board of Trustees.*

(1) The Board of Trustees shall not act upon a proposed amendment to the text until it has received and reviewed a written recommendation and findings of fact from the Planning and Zoning Board.

(2) (a) The Board of Trustees may grant or deny any proposed amendment to the text for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning and Zoning Board; provided, however, that, when a written protest against any proposed amendment to the text is filed with the Village Clerk, and signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted, except by a favorable vote of two-thirds of the Board of Trustees.

(b) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(3) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form, at its next regularly scheduled meeting.

(4) If an application for an amendment to the text is not acted upon finally by the Board of Trustees within 90 days of the date the Board of Trustees received the Planning and Zoning Board's recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the amendment shall be deemed to have been denied.

(Prior Code, § 20-1557)

(Ord. 1409, passed 4-18-2005; Ord. 1663, passed 10-1-2012; Ord. 1699, passed 3-17-2014)

Statutory reference:

Related provisions, see 65 ILCS 5/11-13-6

§ 154.215 AMENDMENTS TO THE OFFICIAL ZONING MAP; INITIATION; STANDARDS FOR AMENDMENT TO THE MAP; APPLICATION; HEARING; FINDINGS OF FACT, RECOMMENDATION; ACTION BY THE BOARD OF TRUSTEES; EFFECT OF DENIAL; DURATION OF REZONING.

(A) *General.* The zoning districts established by this chapter, and depicted on the official zoning map of the village may be amended, or rezoned, from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that, the Planning and Zoning Board shall first conduct a public hearing to consider such amendment and, thereafter, submit its recommendation and findings of fact to the Board of Trustees.

(Prior Code, § 20-1558)

(B) *Initiation.* Amendments to the map may be proposed by the Board of Trustees, the Planning and Zoning Administrator, the Planning and Zoning Board and by any other person having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become

a freehold interest, an option to purchase or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for amendment to the map.

(Prior Code, § 20-1559)

(C) *Standards for amendment to the map.* The Planning and Zoning Board shall not make a recommendation to the Board of Trustees to grant any amendment to the map unless, in each specific case, the Planning and Zoning Board has found that:

(1) The proposed amendment is in harmony with the general purposes and intent of this chapter;

(2) The proposed amendment is in the public interest and is not solely for the interest of the applicant;

(3) The conditions upon which the application for an amendment is based are generally applicable to other property within the same zoning classification, and are not unique to a specific property; and

(4) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the village.

(Prior Code, § 20-1560)

(D) *Application.*

(1) Every application for an amendment to the map shall be filed on forms provided by the Planning and Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(2) In addition to the required application form, the Planning and Zoning Administrator shall require the applicant to submit the following: a site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.

(3) The Planning and Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairperson and members of the Planning and Zoning Board.

(4) The Planning and Zoning Administrator shall also file every application for amendment to the map with the County Soil and Water Conservation District, as per state law.

(Prior Code, § 20-1561)

(E) *Hearing.*

(1) The Planning and Zoning Board shall schedule and hold a public hearing within 60 days after the application for amendment to the text is filed.

(2) Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment, shall be given not more than 30, nor less than 15, days before said hearing:

(a) By publication in a newspaper of general circulation within the village; and

(b) By first class mail to the applicant, the owners of those properties adjacent to the proposed amendment and rezoning.

(3) Any interested party, at any such hearing, may appear and testify either in person or by a duly-authorized agent or attorney. Every applicant shall have the right to present witnesses on his, her or their behalf and to request that the Chairperson subpoena persons to appear.

(4) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings.
(Prior Code, § 20-1562)

(F) *Findings of fact, recommendation.*

(1) The Planning and Zoning Board may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of five members.

(2) The Planning and Zoning Board shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than 30 days after the public hearing on the application for amendment.

(3) The recommendation so submitted shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed amendment, copies of which shall remain a part of the permanent record of the Planning and Zoning Board, and specifying the following:

(a) The existing uses of property within the general area of the property in question;

(b) The zoning classification of the property within the general area of the property in question;

(c) The suitability of the property in question for the uses permitted under the existing zoning classification;

(d) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification; and

(e) The conformance or non-conformance of the proposed amendment with the standards for amendment listed under division (C) above, and the officially adopted plans of the village.

(4) The Planning and Zoning Board may also recommend the enactment of an amendment changing the zoning classification of the property in question to a classification other than that requested by the applicant within 90 days of the date the Board of Trustees received the Planning and Zoning Board recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the amendment shall be deemed to have been denied.

(Prior Code, § 20-1563)

(G) Action by the Board of Trustees.

(1) The Board of Trustees shall not act upon a proposed amendment to the map until it has received and reviewed a written recommendation and findings of fact from the Planning and Zoning Board.

(2) (a) The Board of Trustees may grant or deny any proposed amendment to the map for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning and Zoning Board; provided, however, that, when a written protest against any proposed amendment to the text is filed with the Village Clerk, and signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted, except by a favorable vote of two-thirds of the Board of Trustees.

(b) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(3) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form at its next regularly scheduled meeting.

(4) If an application for an amendment to the map is not acted upon finally by the Board of Trustees within 90 days of the date the Board of Trustees received the Planning and Zoning Board's recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the amendment to the text shall be deemed to have been denied.

(Prior Code, § 20-1564)

(H) *Effect of denial.* No application for an amendment to the map which has been denied by the Board of Trustees shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.
(Prior Code, § 20-1565)

(I) *Duration of rezoning.* In any case where the boundary lines of the official zoning map of the village have been amended, and no development has occurred on the property in the two years following enactment of the amending ordinance, the Planning and Zoning Board may hold a public hearing, after proper notice has been given, and recommend to the Board of Trustees that such zoning be affirmed, or repealed and rezoned to its most appropriate district classification.
(Prior Code, § 20-1566)
(Ord. 1699, passed 3-17-2014)

Statutory reference:

Related provisions, see 65 ILCS 5/11-13-6 and 70 ILCS 405/22.02(a)

§ 154.999 PENALTY.

(A) (1) Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any provisions of this chapter shall be subject to a fine of not less than \$20, nor more than \$750, plus costs, for each offense.

(2) Each day that a violation continues after notification is given thereof shall be considered a separate offense.

(3) Notification shall be by regular mail from the village to the last known mailing address of the violator.

(4) Nothing contained in this division (A) shall prevent the village from taking any other lawful action that may be necessary to secure compliance with this chapter.
(Prior Code, § 20-1501)

(B) (1) A person who violates §§ 154.170 through 154.189 of this chapter shall be subject to a fine not to exceed \$750.

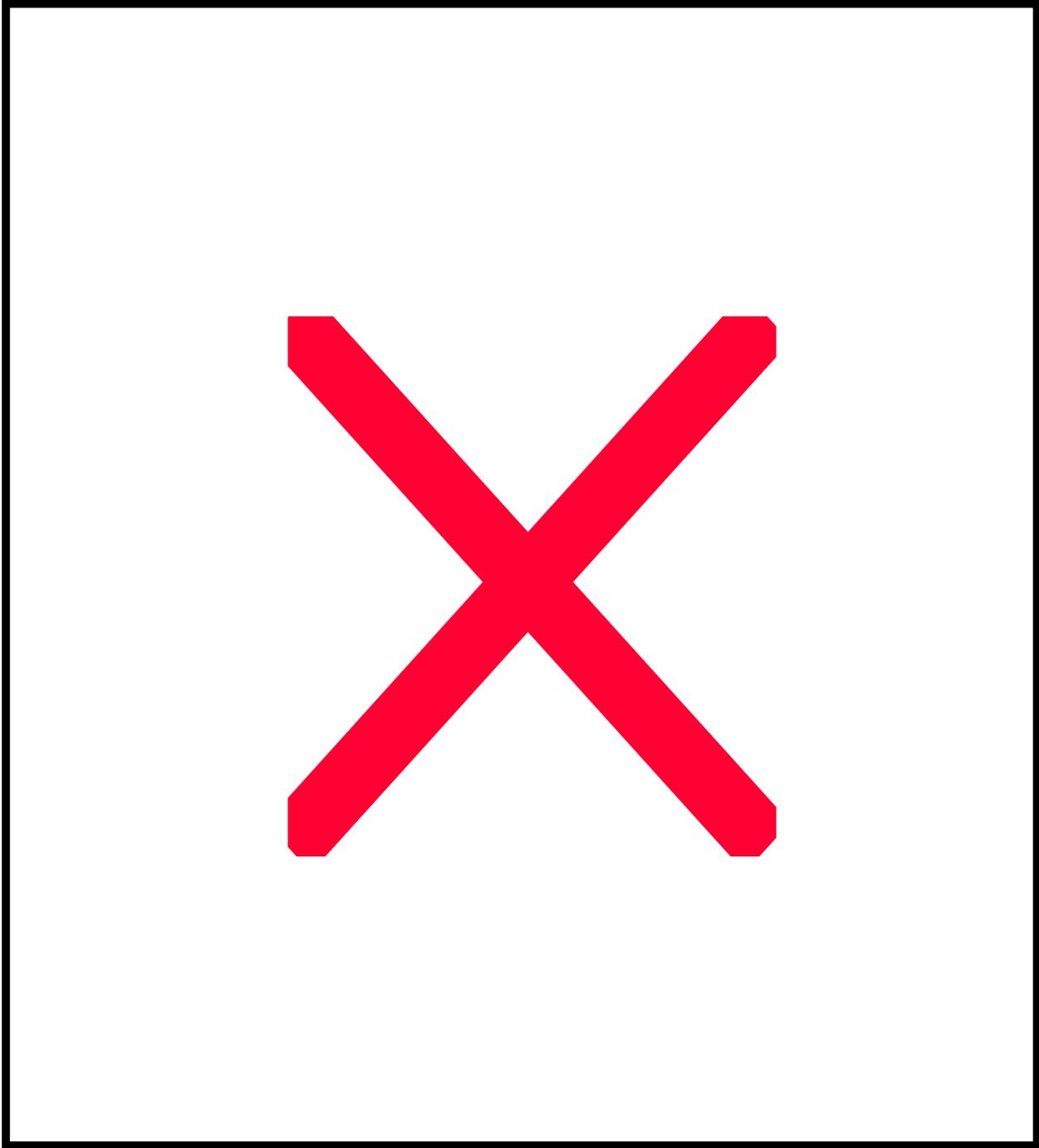
(2) Each day the violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

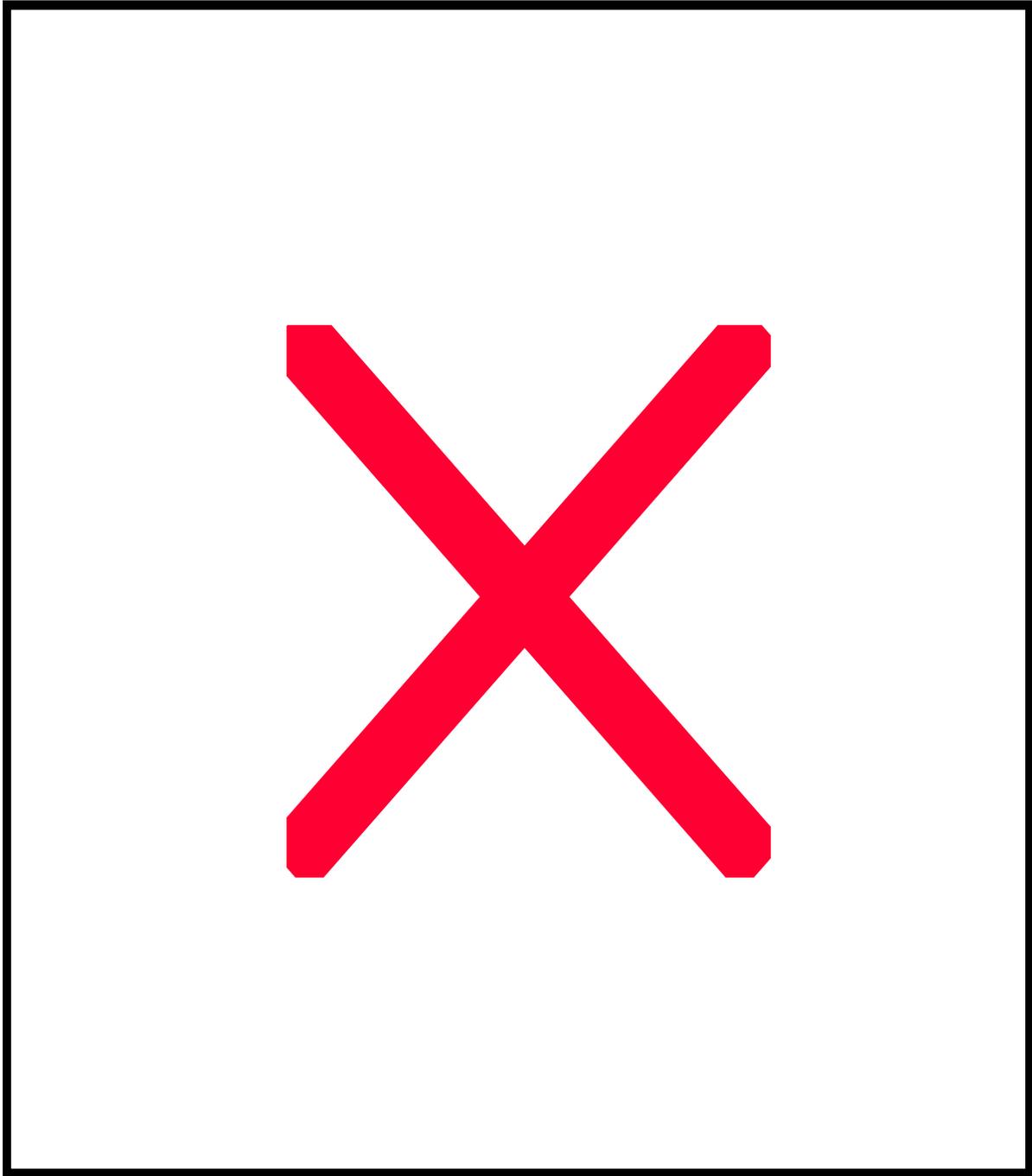
(3) A person who violates §§ 154.170 through 154.189 of this chapter is subject to a suit for injunction.

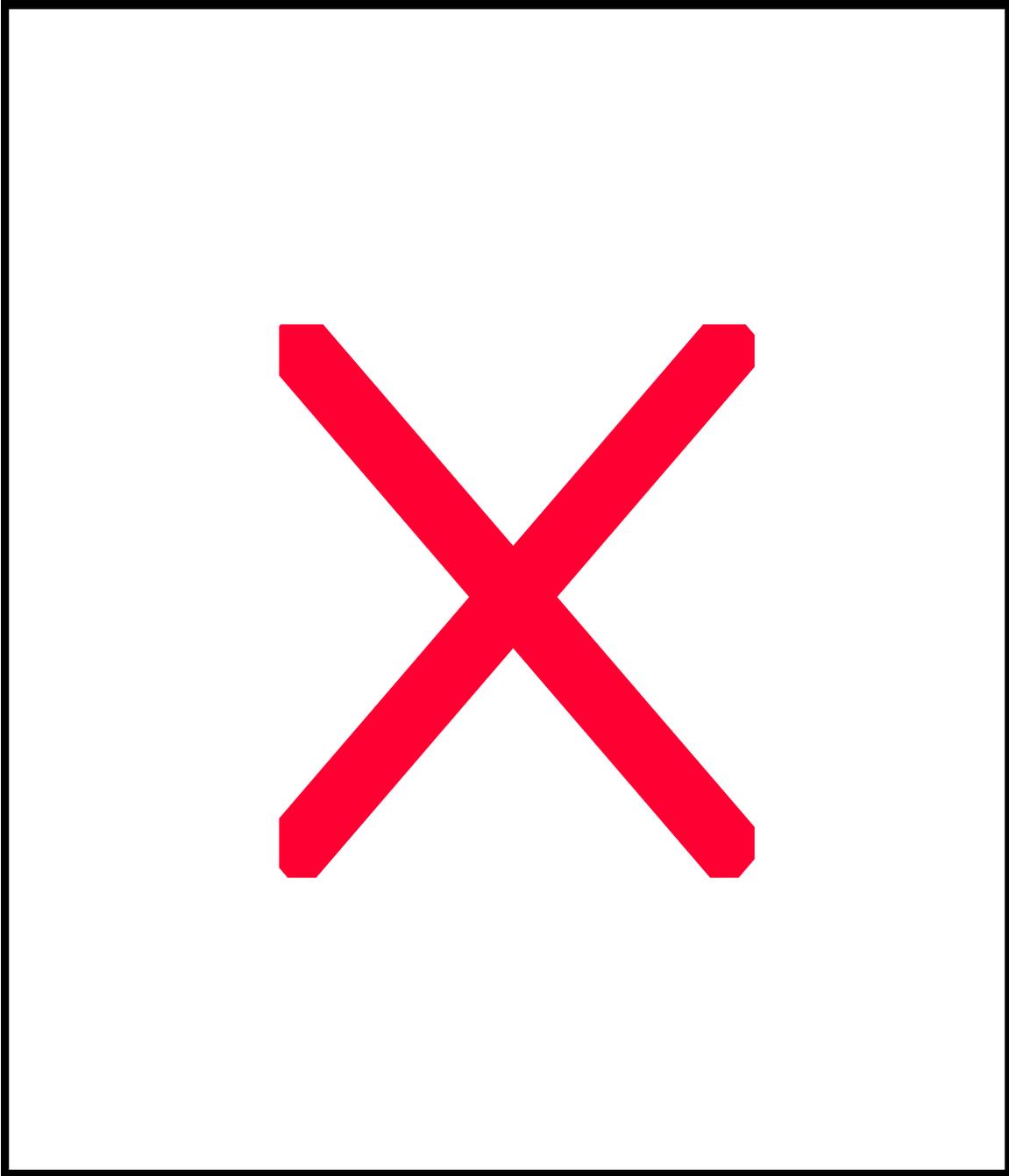
(4) Nothing in this section, and no action taken hereunder, shall be held to exclude or prevent such criminal or other civil proceedings as may be authorized by other state or local law.
(Prior Code, § 20-1621)
(Ord. 1494, passed 8-7-2007; Ord. 1699, passed 3-17-2014)

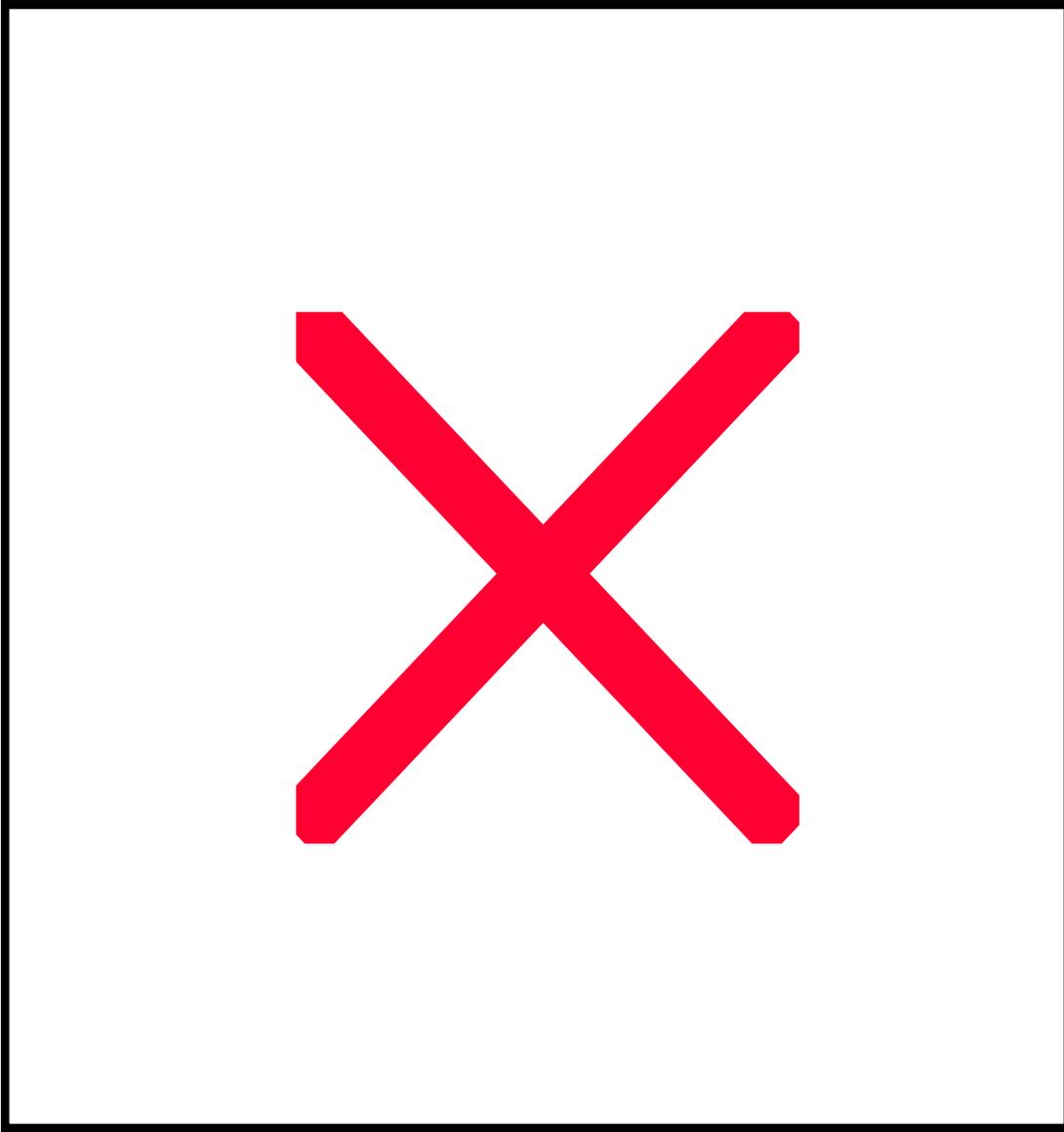
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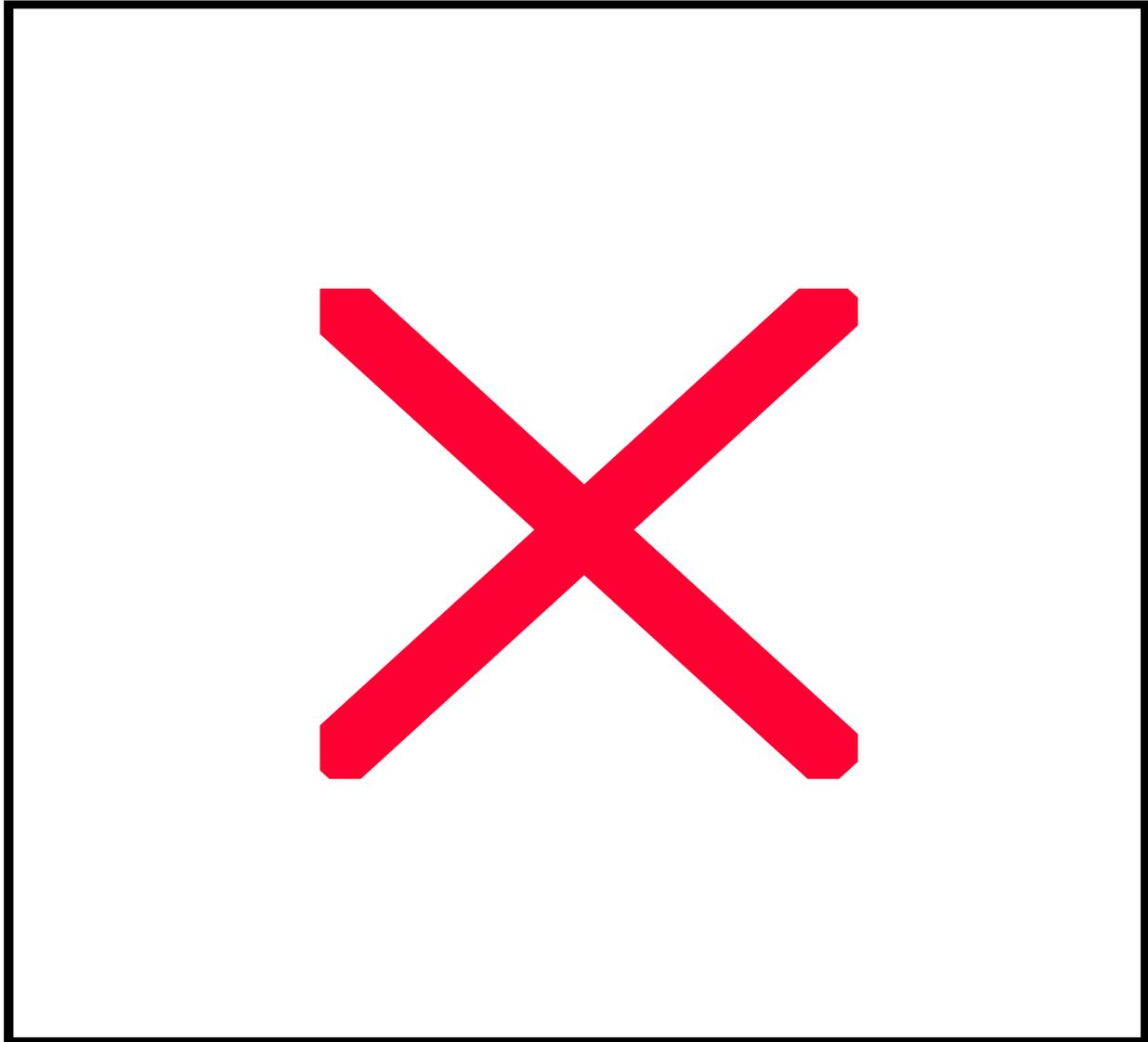
APPENDIX A: ILLUSTRATIONS

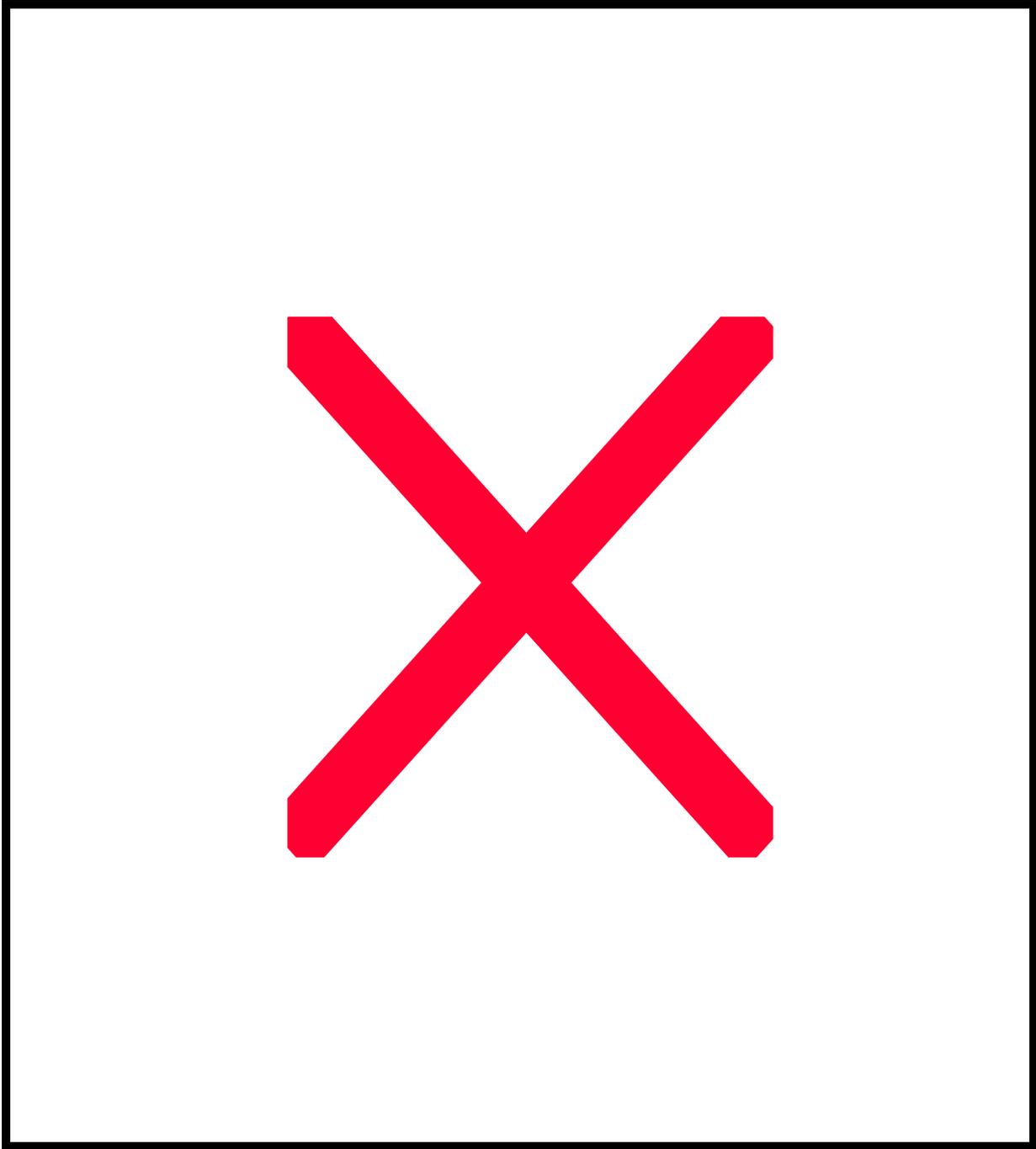


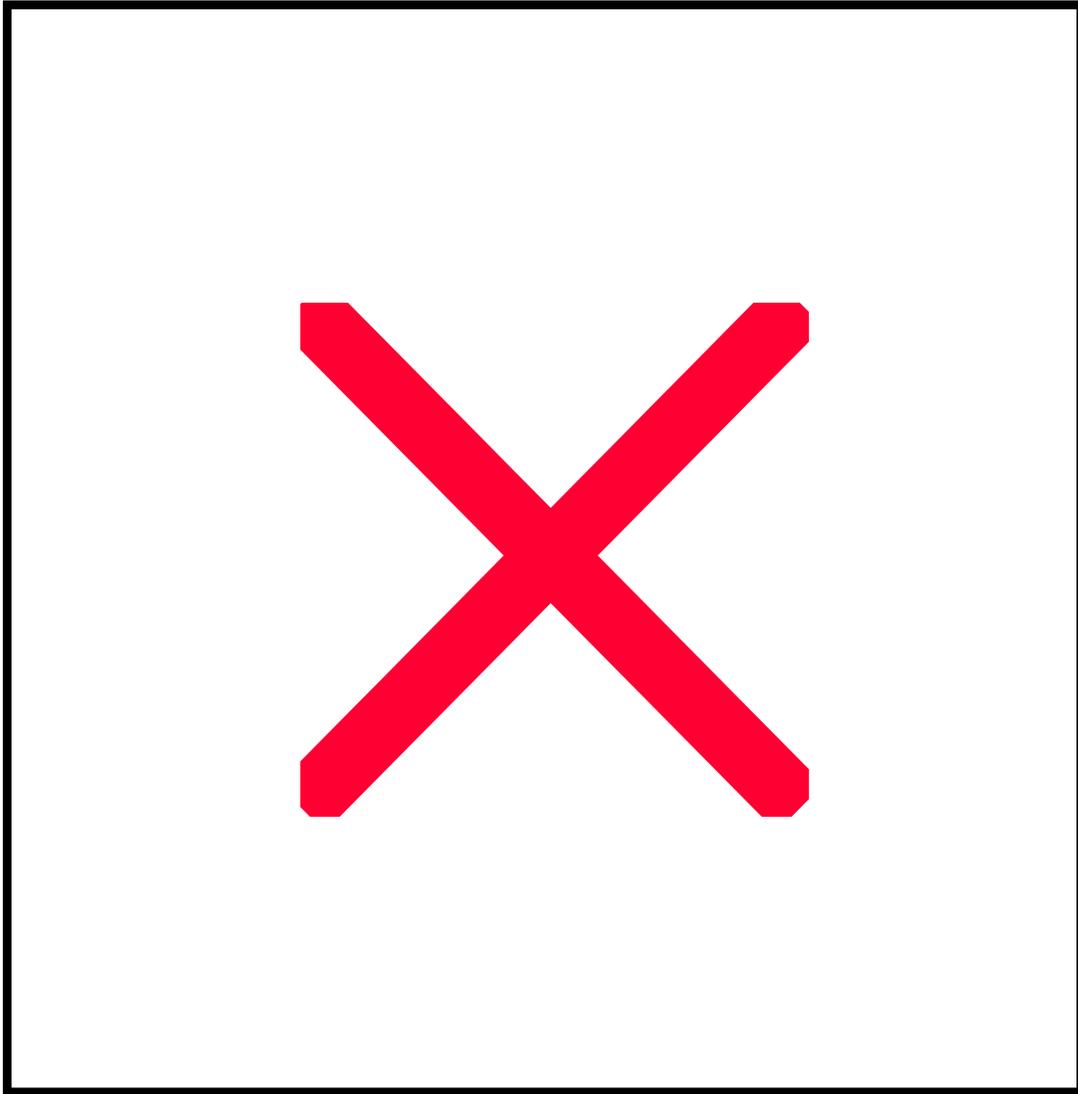


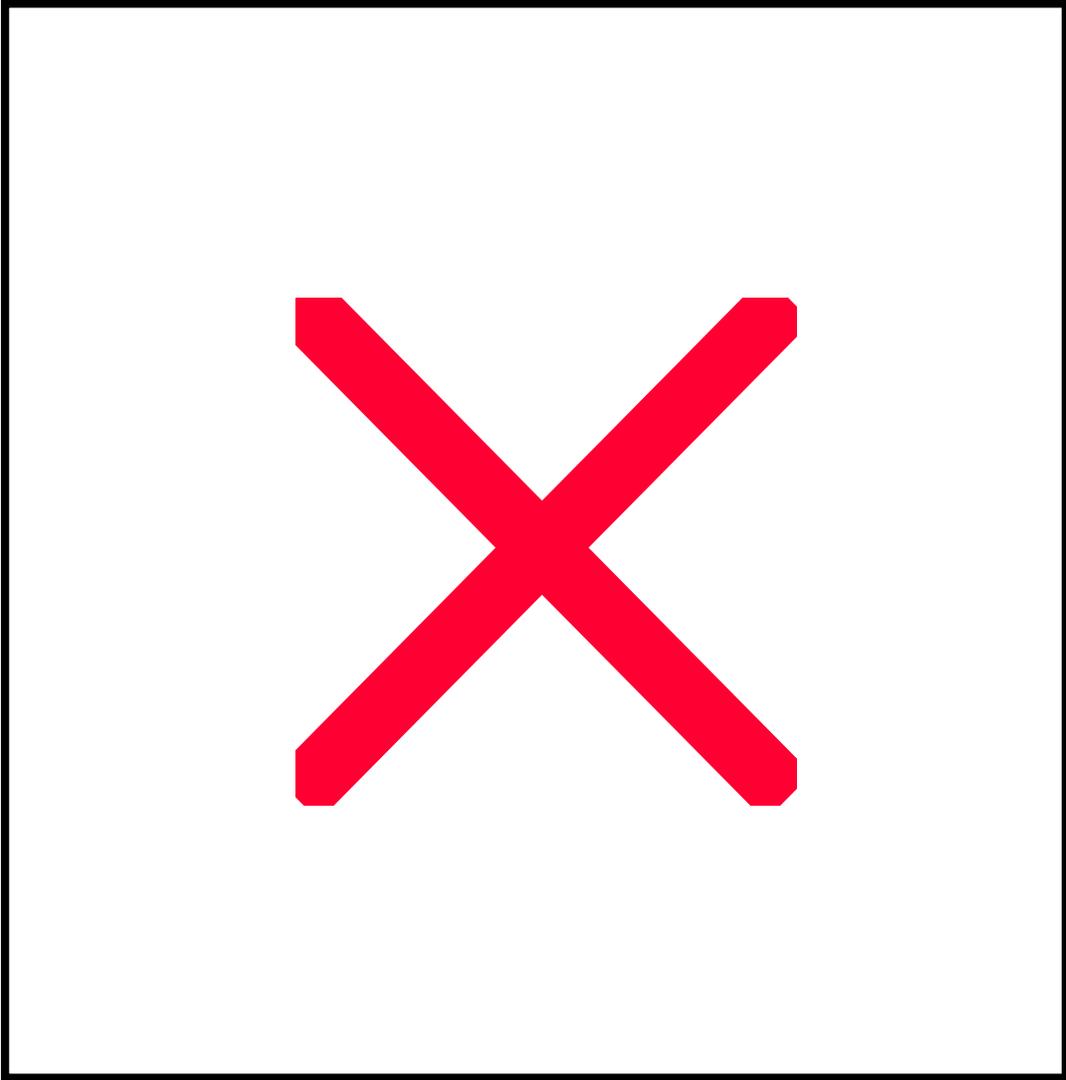


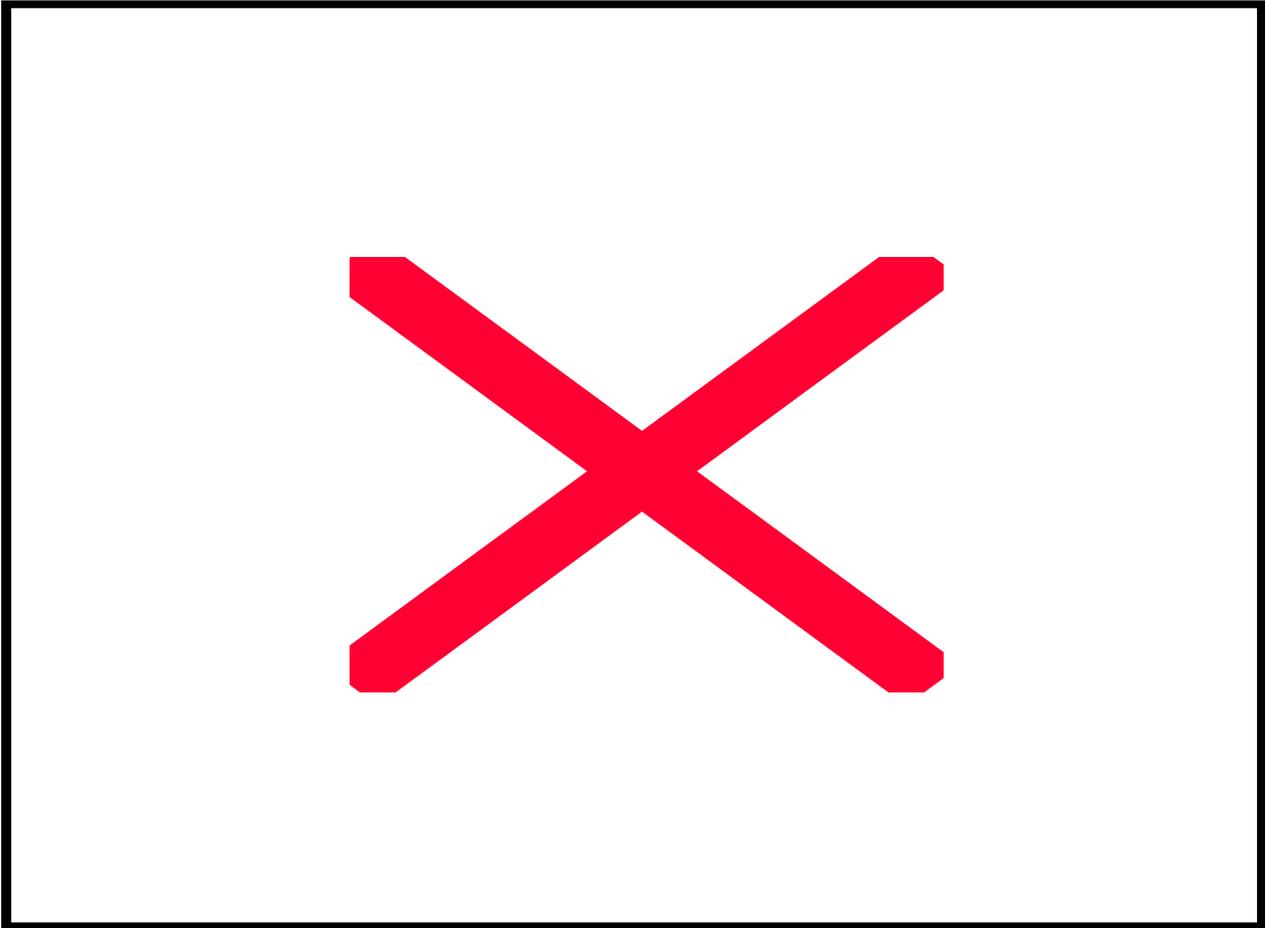


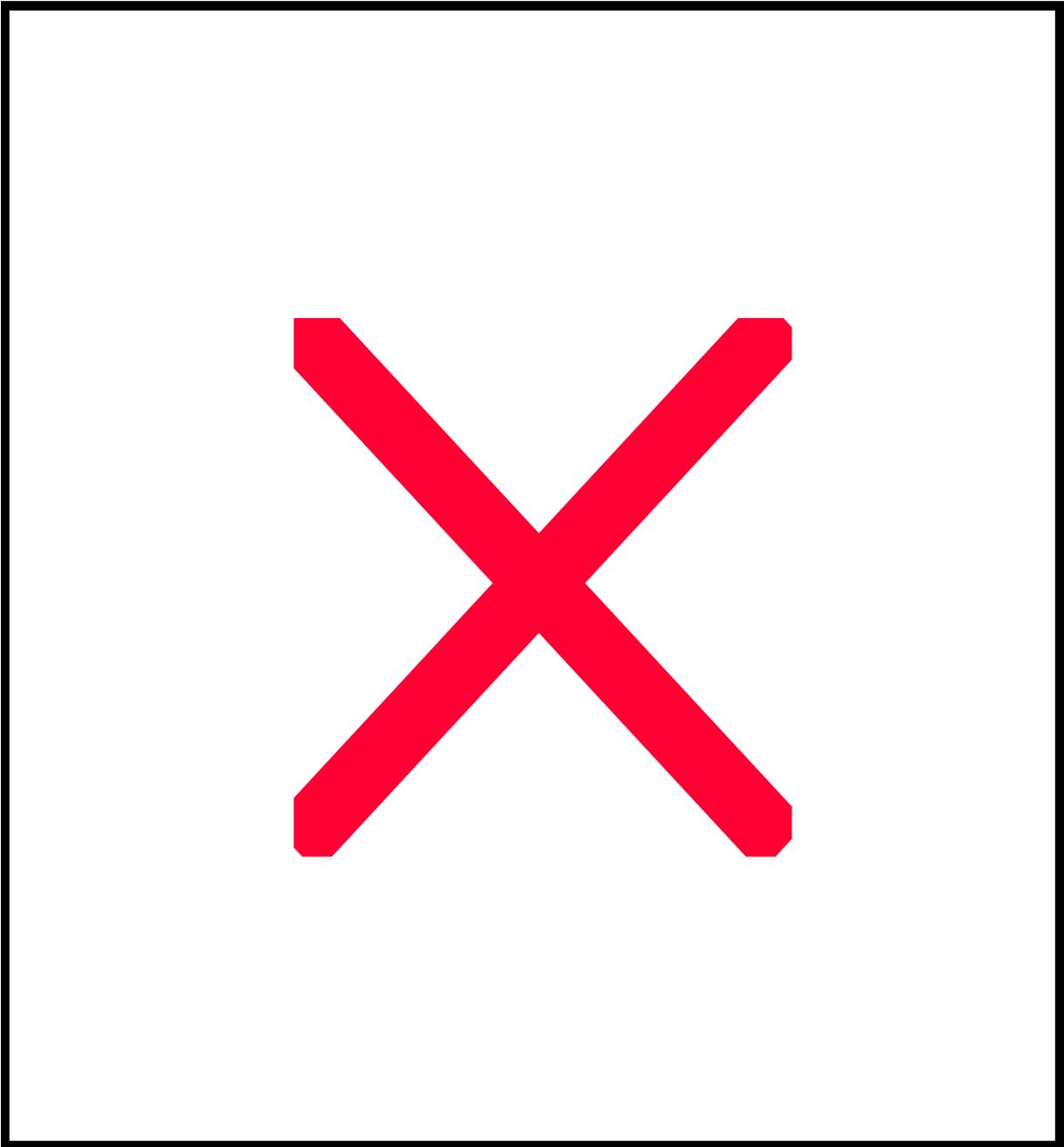


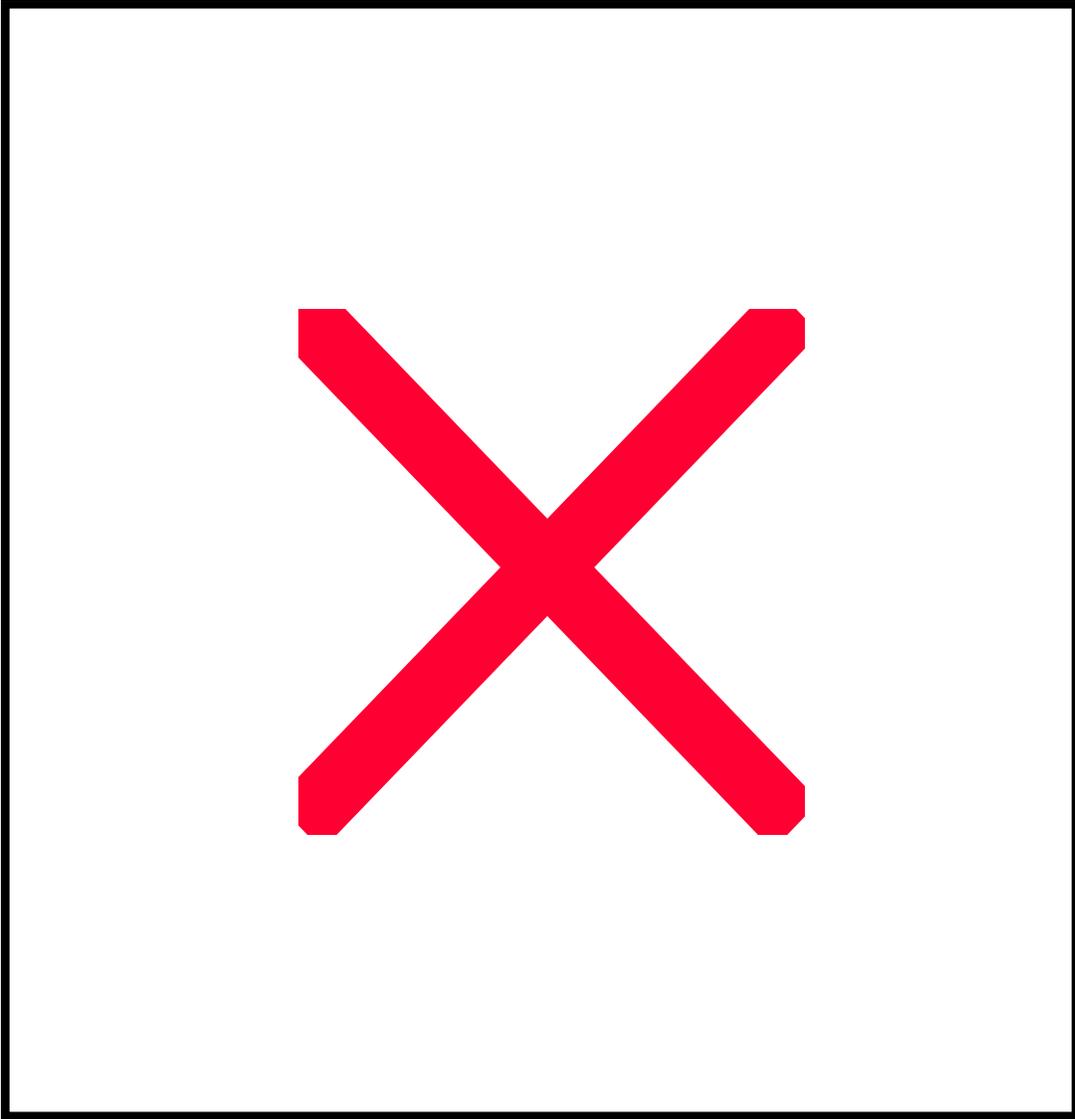


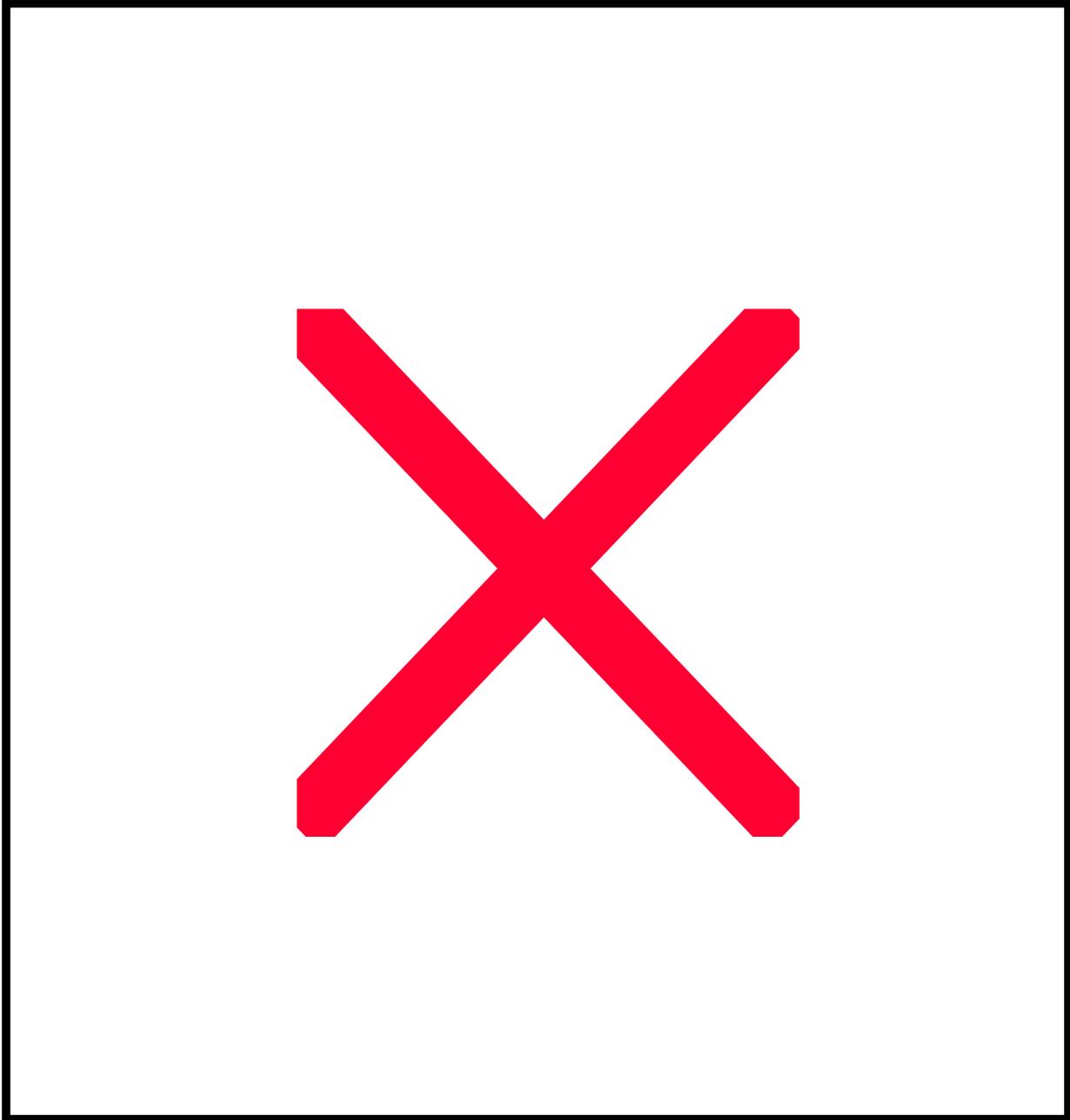


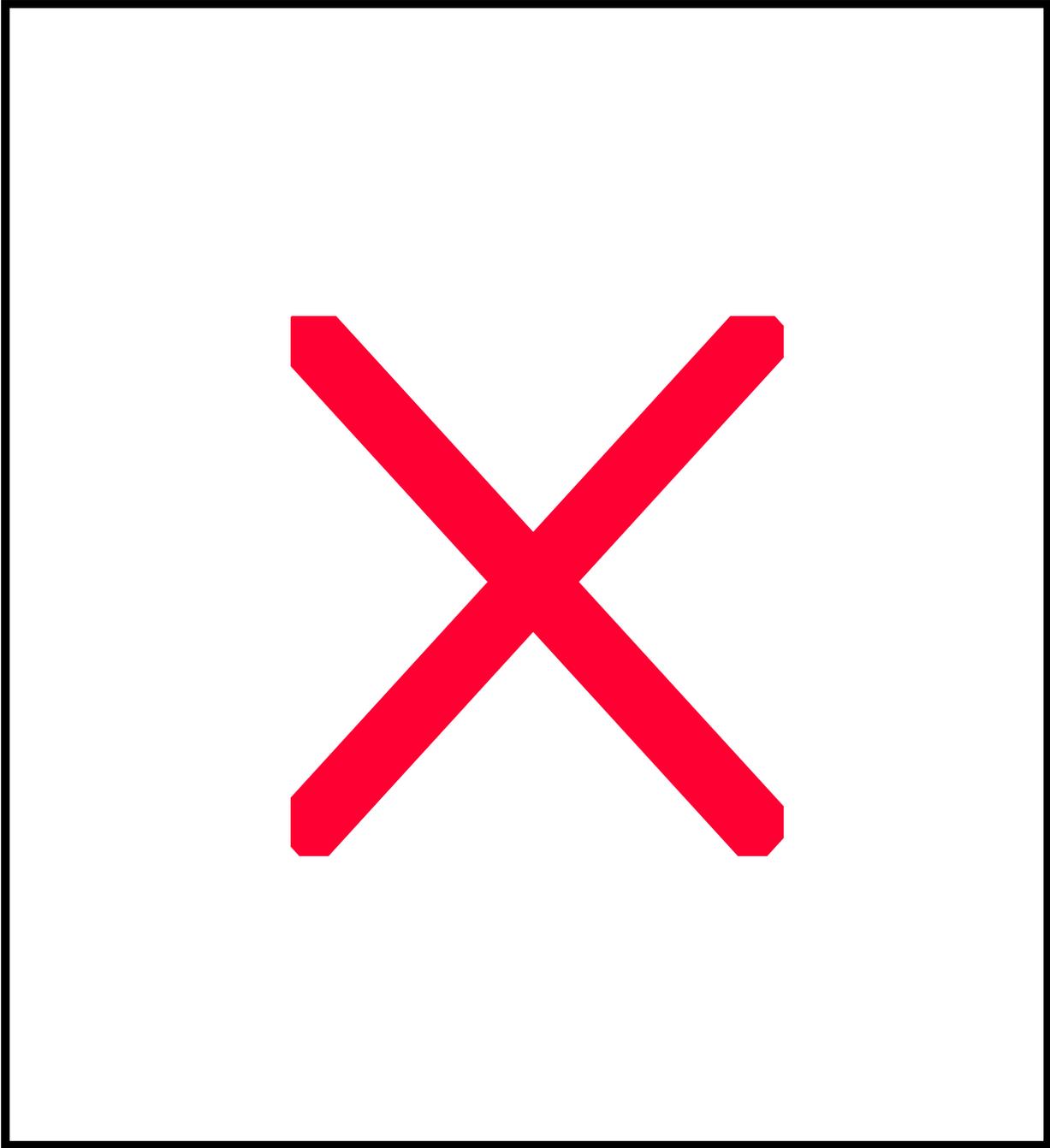


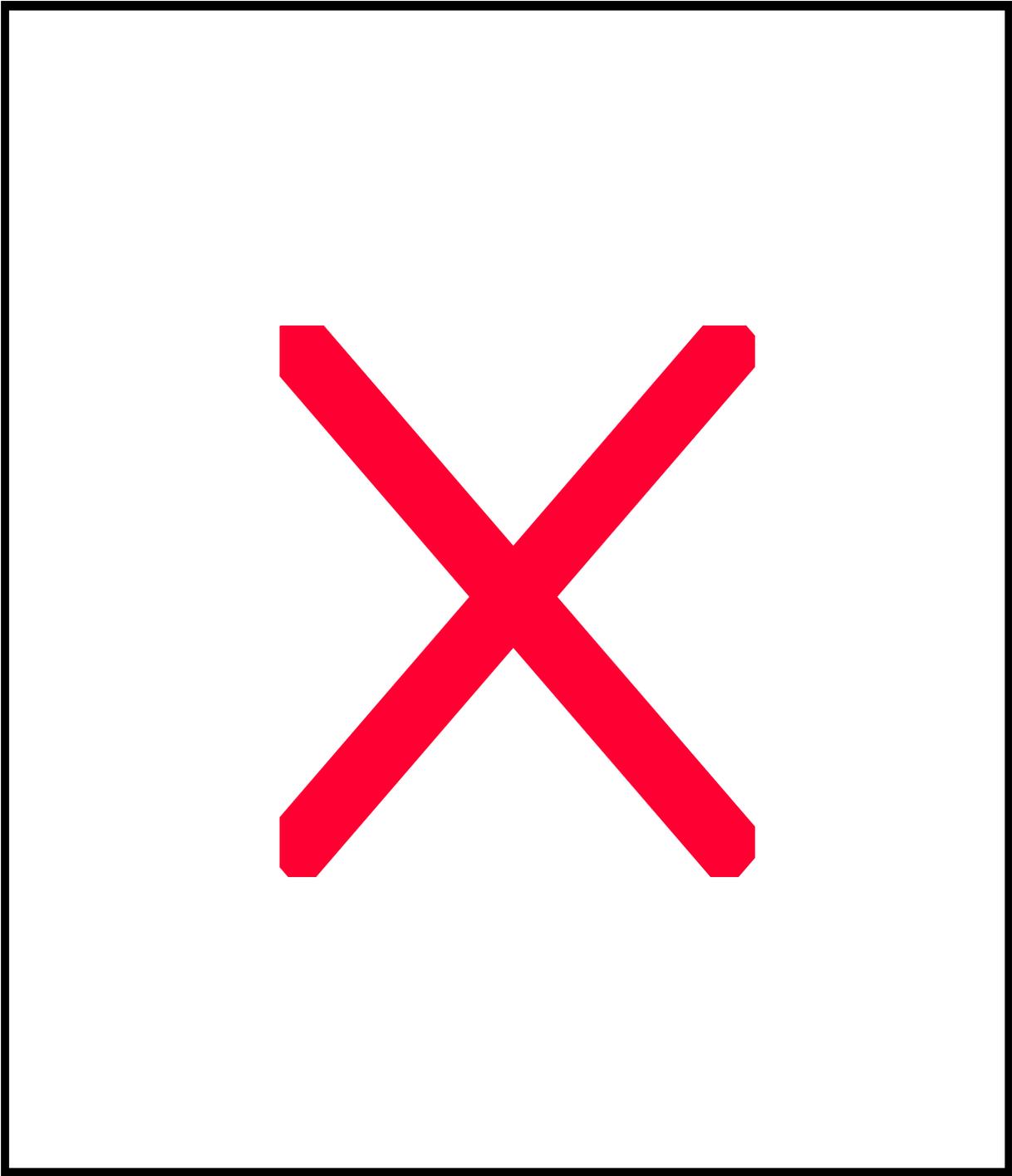


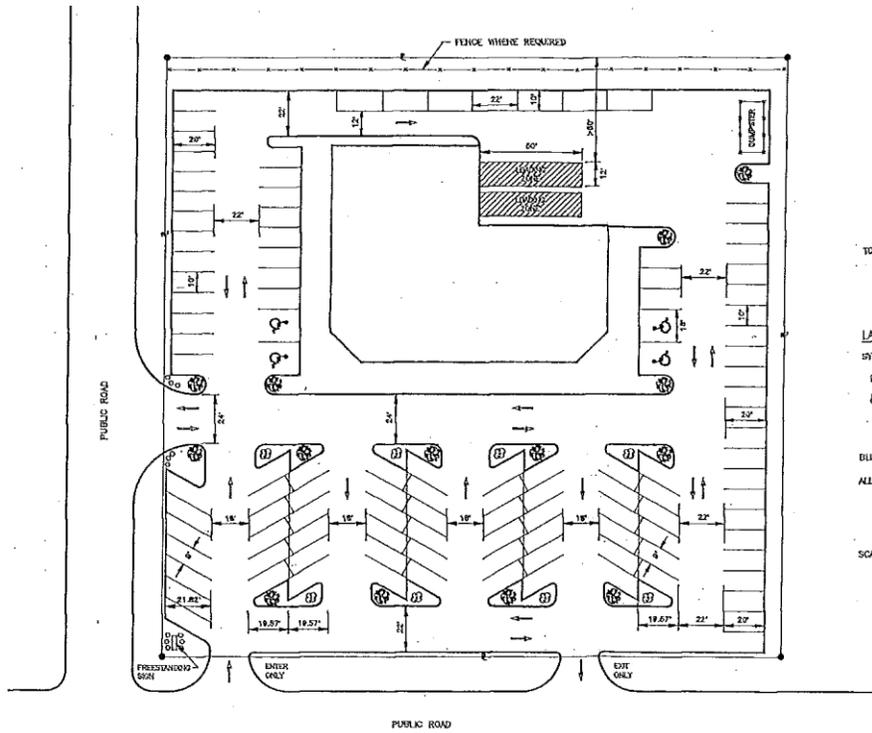












TYPICAL PARKING CONFIGURATIONS

TOTAL NUMBER OF STANDARD SPACES - 111
 HANDICAPPED SPACES - 4
 LOADING SPACES - 2

LANDSCAPING DETAILS

SYMBOL	QUANT.	COMMON NAME	LOCATION
⊗	14	CAPRIAL PEAR	AS SHOWN
⊕	8	JAPANESE YEDS	AS SHOWN
○	12	FLAME AZALEA	AS SHOWN

BLUE RUN JUMPERS AS GROUND COVER IN PARKING ISLANDS
 ALL OTHER DISTURBED AREAS SOON WITH CROWNWEICH AND RED FESCUE

SCALE: 1"=40'

