

**TITLE 8  
BUILDING REGULATIONS**

**CHAPTER 1  
BUILDING AND EXISTING STRUCTURES CODES**

**8-1-1: ADOPTION OF INTERNATIONAL BUILDING CODE:**

- A. International Building Code Adopted: There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international building code, 2018 edition, as published by the International Code Council, Inc., as amended by the ordinance codified herein, as if fully set forth herein with the additions, insertions, deletions and changes, if any, heretofore adopted.
- B. Drawings Required: Each application for a single-family residential permit shall be accompanied by a set of drawings sealed by an architect licensed to practice in Illinois.
- C. Applicability: Structures existing prior to the effective date hereof, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of section 3409.2 of the international building code, 2018 edition. Additionally, the provisions in sections 3409.2.1 through 3409.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in use group H or I. (Ord. 2018-O-42, 9-27-2018)

**8-1-2: ADOPTION OF THE INTERNATIONAL FIRE CODE; LIFE SAFETY CODE:**

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international fire code, 2018 edition, as published by the International Code Council, Inc., as amended by the ordinance codified herein, as if fully set forth herein with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 2018-O-42, 9-27-2018, 2018-O-48, 12-13-2018)

**8-1-3: ADOPTION OF INTERNATIONAL MECHANICAL CODE:**

- A. There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international mechanical code, 2018

edition as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 2018-O-42, 9-27-2018)

- B. Any references to plumbing standards are hereby deleted and inserted in lieu thereof is "state of Illinois, plumbing code". (Ord. 2018-O-42, 9-27-2018)

**8-1-4: ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE:**

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international property maintenance code, 2018 edition, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 2018-O-42, 9-27-2018)

**8-1-5: ADOPTION OF INTERNATIONAL ELECTRICAL CODE:**

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international electrical code, 2018 edition, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 2018-O-42, 9-27-2018)

**8-1-6: ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE:**

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international energy conservation code, 2018 edition as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 2018-O-42, 9-27-2018)

**8-1-7: ADOPTION OF INTERNATIONAL RESIDENTIAL CODE:**

- A. There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international residential code, 2018 edition as published by the International Code Council, Inc., as amended by the ordinance codified herein, as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted.

- B. Every application for a permit for a single-family residence shall be accompanied by a set of plans sealed by an architect licensed to practice in Illinois.
- C. The administrative section of said code is hereby deleted and inserted in lieu thereof is the administrative section of international building code, 2018 edition. (Ord. 2018-O-42, 9-27-2018)

**8-1-8: ADOPTION STATE OF ILLINOIS PLUMBING CODE:**

The 2014 State of Illinois plumbing code is hereby adopted, with all subsequent additions and amendments hereafter, by reference as if fully set out herein. (Ord. 1-O-2005, 1-27-2005, Amd. Ord. 2018-O-02, 01-11-2018)

**8-1-9: ADOPTION OF INTERNATIONAL FUEL GAS CODE:**

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international fuel gas code, 2003 edition, including appendix chapters A, B, C and D, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 1-O-2005, 1-27-2005)

**8-1-10: ADOPTION OF ILLINOIS ACCESSIBILITY CODE:**

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the Illinois accessibility code, 71 Illinois administrative code 400 et seq., as amended, as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 1-O-2005, 1-27-2005)

**8-1-11: ADOPTION OF ICC/ANSI GUIDELINES FOR ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES:**

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of the buildings and structures those certain guidelines known as the ICC/ANSI A.117.1 - 1998 guidelines for accessible and usable buildings and facilities, as if fully set forth in this chapter. (Ord. 1-O-2005, 1-27-2005)

**8-1-12: PERMIT REVIEW OF BUILDING PLANS:**

Whenever it is deemed necessary by the building commissioner, or the president and board of trustees, the building plans for any residential (single- or multi-family), commercial or industrial building submitted as part of the application process for the issuance of a building permit, as required in this code, may be sent to another qualified review service for review and comment leading to the issuance of a building permit. All review fees charged by such qualified review service to the village shall be added to the permit fees required in chapter 2 of this title. (Ord. 1-O-2005, 1-27-2005)

**8-1-13: PENALTY:**

- A. It shall be unlawful for any person, firm or other entity to maintain, construct, erect or alter any building in violation of the standards set forth in the regulations herein adopted.
- B. Any person, firm or other entity violating a provision of this chapter or who shall fail to comply with any of the requirements hereof shall be guilty of an offense which is subject to the general penalty provisions set forth in this code <sup>1</sup>, and each day a violation is found to exist shall be a separate offense.
- C. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, the building commissioner or his designee or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal act, conduct, business or use in or about the premises; or 4) to restrain, correct, or abate the violation. (Ord. 1-O-2005, 1-27-2005)

**CHAPTER 2  
BUILDING REGULATIONS**

**8-2-1: FIRE LIMITS ESTABLISHED:**

The fire limits of the village are hereby established as follows:

Beginning at all that area zoned for business or commercial use and two hundred feet (200') at the beginning and end of this zoned area, to the point of beginning. (1963 Code)

### **8-2-2: PERMIT FEES:**

#### A. Definitions:

**HOMEOWNER CONSTRUCTION:** Construction as defined below as "reconstruction", "remodel" and "repair" of a residence with subject work being done by the owner-resident of the building without contractor assistance.

**NEW CONSTRUCTION:** Construction on a vacant lot of a new building.

**RECONSTRUCTION:** Construction that adds additional space to an existing building, and includes a new foundation or replacement of an existing foundation.

**REMODEL:** Construction within the original walls of an existing building using the existing foundation. Usually requires removal of interior construction and may involve the outside walls in a limited way (new windows, doors, etc.).

**REPAIR:** Construction that replaces existing construction, without adding space as altering the building.

B. Issuance Of Permit: No permit as required by the building code shall be issued until the fee prescribed in this section shall have been paid. Nor shall any amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. (Ord. 11-O-2003, 5-22-2003)

C. Permit Fees For Construction, Remodeling And Repair Of Buildings: For a permit for the construction, repairing or alteration of a building or structure the fees shall be as follows:

1. For new construction of residential buildings, the fee shall be one dollar twenty five cents (\$1.25) per square foot. A fee of forty cents (\$0.40) per square foot will be charged for an attached garage.

Multi-family construction shall require a nonrefundable deposit of two thousand dollars (\$2,000.00) for each building plan review. After review

of the application, the fee balance, if any, shall be due and payable prior to the issuance of the permit.

2. Construction on a vacant lot for new construction of industrial/commercial building, the fee shall be according to Chapter 1, Section 8-1-1.

#### Administration Chapter "1" Section 108.3 Fee's

The BVC table provides the "average" construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 108.2 of the 2003 International Building Code (IBC) whereas Section 108.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction. (Ord. 26-O-2009)

3. For reconstruction of an existing building, the fee shall be one dollar twenty five cents (\$1.25) per square foot of area involved in construction.

4. For remodeling and repair of existing buildings, the fee shall be one hundred dollars (\$100.00), plus one and one-half percent (1½) of the cost of construction, or the cost of construction as estimated from the BOCA tables, whichever in the opinion of the building commissioner more accurately reflects the actual value of the work being performed. (Ord. 11-O-2004, 5-13-2004)

#### D. Permit Fees For Driveways, Parking Lots And Private Roads:

1. For the cost of new residential driveway, the fee shall be one and one half percent (1½%). (Ord. 2018-O-42, 9-27-2018)

2. For repaving of existing paved driveway, the fee shall be twenty five dollars (\$25.00).

3. Commercial and industrial drives and parkways shall be charged at a rate of one hundred dollars (\$100.00), plus two and one-half cents (\$0.025) per square foot. The fee for parking lots shall be four hundred dollars (\$400.00) up to four thousand (4,000) square feet, plus two cents

(\$0.02) per square foot for each square foot over four thousand (4,000) square feet. In no case shall the maximum fee exceed one thousand dollars (\$1,000.00).

4. For a permit for the construction of a private road, the fee shall be four hundred dollars (\$400.00), plus two cents (\$0.02) per square foot.

E. Other Permits: For a permit for the construction of patios, decks, storage sheds and other specified construction, the fee shall be:

1. Patios, decks and storage sheds	\$ 50.00
2. Elevators or escalators:	
4 floors or less:	\$ 275.00
Over 4 floors:	\$ 275.00 plus \$2.00 per floor over 4
3. Construction towers and lifts:	
35 to 100 feet:	\$ 75.00
Over 100 feet:	\$ 75.00 plus \$1.00 per foot over 100
4. Dumbwaiters	\$ 175.00
5. Installation of carnival rides	\$ 50.00 each
6. Bulk storage tanks: The permit fees required for bulk storage tanks shall be as set forth in section 4-11-5 of this code.	
7. Landscaping:	
Major:	4 percent of cost of contract
Minor:	\$ 75.00

F. Abandonment/Discontinuance: In the case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, and adjustment of the fee made, and a portion of the fee for uncompleted work returned to the permit holder, provided, that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided, that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made, and a new permit has been issued.

G. Plan Review Fees:

1. In-house review:	
New single-family residence	\$ 100.00

Additions or alterations to	\$ 50.00 single-family residences
New multi-family residences, per unit	\$ 100.00
Garages up to 3 cars	\$ 10.00
Garages over 3 cars	\$ 50.00
Removal of building	\$ 10.00
Pools inground	\$ 10.00
Electrical service (only):	
a. Increase or repair	\$ 50.00
b. Small commercial	\$ 50.00
c. Large commercial	\$ 75.00/hour (35.00 minimum)
Plumbing (only):	
a. Residential	\$ 50.00
b. Commercial	\$ 70.00

2. Fire suppression systems consisting of fire alarms, emergency lighting, switchboards, motor control centers, burglar/entry alarm and sprinkler systems: ninety dollars (\$90.00) per hour (\$50.00 minimum).

Multiple-family residential, industrial: BOCA fee, plus ten percent (10%).

3. Engineering fees shall be charged at a rate of one hundred fifteen dollars (\$115.00) an hour, plus ten percent (10%). Two (2) hour minimum fee.

H. Engineer On Site Inspection Fee: Seventy five dollars (\$75.00) an hour, plus ten percent (10%). Two (2) hour minimum fee.

I. Inspection of Displays', Exhibitions', Carnivals' Generators:

Less than 10kw	\$ 50.00
10kw - 50kw	\$ 50.00
51kw - 100kw	\$ 50.00
101k - 200kw	\$ 50.00
201k - 300kw	\$ 50.00
Over 300kw:	\$200.00 plus \$6.00 for each 10kw over 300

J. Inspection of Interior Communication Systems:

	<b>Residential</b>	<b>Commercial</b>
1. Oral system	\$50.00	\$70.00
2. Audio system	50.00	\$70.00
3. Visual system	50.00	\$70.00 plus \$10.00 each camera or receiver

K. Fire Protection System:

1. Sprinklers (1 per riser)	\$ 25.00
- 1 – 200 head	\$ 165.00
- 201 – 300	\$ 175.00
- 301 – 400	\$ 190.00
- 401 – 750	\$ 210.00
- 751 and Over	\$ 250.00 plus .10 cents per head over 750 heads
2. Standpipes	\$100.00 per riser
3. Carbon dioxide, halon, dry chemical and foam systems	\$ 80.00
4. Fire pumps	\$ 100.00
5. Fire detection systems	\$ 80.00

L. Plumbing:

1. New work:	
- First 8 fixtures	\$ 125.00
- 9 or more	\$ 125.00 plus \$15.00 each fixture over 8
2. Additions and alterations	\$ 30.00 each drain or opening
3. Miscellaneous and water softeners	\$ 50.00
4. Drain tile	
- First 100 feet	\$ 100.00
- Over 100 feet	\$ 100.00 plus \$2.50 each foot over 100

M. Sewer Service Repair Or Replace:

First 100 feet	\$ 100.00
Over 100 feet	\$ 100.00 plus \$2.50 each foot over 100

N. Heating and Ventilation:

1. First 100,000 BTU or 1,000 CFM	\$ 75.00
Each additional 100,000 BTU or 1,000 CFM or fraction	\$ 10.00
2. Solid fuel fireplace or freestanding heating stove	\$ 75.00
3. Space heater, gas fireplace	\$ 75.00
4. Burner units other than residential	\$ 75.00

(Ord. 11-O-2003, 5-22-2003)

O. Refrigeration And Air Conditioning:

12,000 BTUH = 1 ton

1. 1 ton up to 3 tons \$ 75.00

2. 3 tons up to 10 tons \$ 100.00

3. Over 10 tons Based on estimated inspection time at \$100.00 per hour

(Ord. 11-O-2004, 5-13-2004)

P. Elevators Or Escalators, Construction

Towers And Lifts, Dumbwaiters	\$ 300.00 each
Required inspection	\$ 50.00 each

Q. Carnival Rides:

Required inspection	\$ 50.00 each
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R. Commercial:

1. Signs and billboards are one hundred dollars (\$100.00) minimum fee, plus one dollar (\$1.00) per each square foot.

2. Illuminated signs above fee, plus one hundred dollars (\$100.00).

3. Noncommercial temporary signs under eight (8) square feet, no fee.

S. Penalty Fees: The Village reserves the right to levy fines of up to \$750 per day per offense during any step of the Permit Violation Process. The intent of this section is to establish mandatory minimum enforcement fines and fees for violation of the Village's Permit Policy. This Policy applies to all projects which require Permits, regardless of whether a monetary fee is or is not associated with the permit.

If a Village resident is a contractor licensed to perform work associated with the project, for purposes of enforcement, he/she will be treated as a contractor in interpreting this section of Village Code.

For purposes of this section, businesses operating within the Village of Willow Springs will receive same warnings Village residents receive.

Fees for work started or completed without the issuance of a permit as required by the Village herein shall be charged:

Residents: 1st Offense: Mandatory Written Warning and a \$30.00 penalty, record of which is to be kept on file at the Village Building Department. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Residents: 2nd Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of \$150 or one and one-half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Resident: 3rd Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of \$250 or one and one-half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Contractors: 1st Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of \$500 or one and one-half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Contractors: 2nd Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of \$750 or one and one-half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. All second and subsequent violations of Village Permit Policy will be reported to the Office of the Illinois Attorneys General. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Work Stoppage: The Building Commissioner has the authority to allow as much work to be completed as necessary to ensure the site is safe and secure. (Ord. 21-O-2009)

T. Inspection Fees: All inspections are seventy five dollars (\$75.00) each.

U. All R-1, R-2, R-3: Residence district fees for new roof coving is one hundred dollars (\$100.00). The fee for re-roofing and tear off is one hundred dollars (\$100.00).

All SR-1, SR-2, SR-3, SR-4: Suburban residential single family district fees for new, re-roofing and tear off is two hundred dollars (\$200.00). (Ord. 26-O-2009)

### **8-2-3: GARAGE SIZE LIMITATIONS:**

No garage shall be erected, remodeled or altered to exceed twenty six feet (26') in length and thirty two feet (32') in width in any residential area within the corporate limits of the village. (Ord. 79-2, 3-8-1979)

### **8-2-4: BUILDING OPENINGS:**

A doorsill, windowsill, top of foundation, or the bottom of any other opening in the outer walls of a building or structure shall be constructed at an elevation not lower than twelve inches (12") above the established high water elevation of the 100-year flood and not lower than twelve inches (12") above the high water elevation of the flood of record, if the 100-year flood information is not available. Any person violating any of the provisions of this section shall be fined in accordance with title 1, chapter 4 of this code. (Ord. 11-O-2003, 5-22-2003)

#### **8-2-5: BUILDING NUMBERS:**

- A. Required: Visible legible street numbers must be placed on or near all existing structures and future construction of residential homes, apartment buildings, business establishments or commercial structures within the corporate limits of the village at the owner's expense, to aid emergency vehicles such as the village fire and police departments.
- B. Placement: Street numbers may be posted on the building proper, the building's mailbox located on the street in front of the building or on the building's private lamppost located in the front yard of the building, where applicable.
- C. Compliance: In the event the owners of property located within the corporate limits of the village do not comply with this section within six (6) months after its passage and approval, the village may post street numbers on the property and charge the owner for the material and labor. (Ord. 78-20, 10-26-1978)

#### **8-2-6: VILLAGE ENGINEER'S APPROVAL:**

- A. Prior to the issuance of a building permit, a fully engineered site plan including the following items, shall be submitted to the village for review and approval by the village engineer:
  - 1. Existing site elevation (USGS).
  - 2. Existing elevations on all contiguous property.
  - 3. Proposed foundation elevations.
  - 4. Building location on all properties.
  - 5. Direction of surface runoff.
  - 6. Final elevation for lot grading.
  - 7. Culvert location and elevation.
- B. Said plan shall be submitted in triplicate, sealed and signed by a registered engineer, with a job bench mark placed on the nearest hydrant or manhole rim.
- C. All site development plans should include a legal description, and address or location of the property. The elevations should extend beyond the property for at least twenty five feet (25') and should show:
  - 1. Centerline of the pavement.
  - 2. Gutter line.

3. Top of curb.
4. Inverts.
5. Top of rims.
6. Location of utilities to the nearest property line, even if the utilities fall outside the property but within twenty five feet (25').

D. Before construction can proceed beyond the foundation, the builder will submit a spot survey, in triplicate, signed and sealed by a registered surveyor, showing the following:

1. All setbacks.
2. Top foundation elevation.
3. Culvert location and invert elevation.

E. Before occupancy, the builder shall submit an "as built" site development plan, in triplicate, showing that completed grades are as shown on the approved site plan, signed and sealed by a registered engineer.

F. All fees charged by the village engineer for inspection and approval of said plans survey shall be added to the price of the building permit. (Ord. 87-0-22, 9-10-1987)

#### **8-2-7: DUMPSTER REQUIRED:**

All persons who apply for and receive a permit for the erection or alteration of any building or structure shall, before any construction begins, arrange for a dumpster on the site. All debris shall be placed in such dumpster on a daily basis, and pick up shall be made when said dumpster is full.

If a dumpster is not on the site, or if debris is not placed therein, or if the dumpster is not emptied when full, the job shall be shut down by the building commissioner until compliance. The building commissioner shall have the right to waive the requirement of a dumpster if, in his opinion, the job does not require a dumpster.

No occupancy permit shall be issued until the job site is completely cleared of all debris to the satisfaction of the building commissioner. (Ord. 88-0-26, 8-11-1988)

**8-2-8: BURNING OF MATERIALS PROHIBITED:**

No person shall openly burn building or construction materials, garbage or any other materials or rubbish on any property within the village. Said prohibition shall include the burning of such materials or rubbish within a barrel or other container. This prohibition shall not apply to the burning of leaves or branches. (Ord. 90-0-16, 7-12-1990)

**8-2-9: OPEN STORAGE OF BUILDING MATERIALS AND RUBBISH PROHIBITED:**

- A. Except as provided in subsection B of this section, no person shall openly store any building or construction materials, garbage, broken concrete or other waste materials upon the exterior of any property within the village.
- B. The prohibition against the open exterior storage of materials set forth in subsection A of this section shall not apply to a construction site from the date of the issuance of the building permit to the date of the issuance of an occupancy permit, nor shall it apply to any property which is properly zoned for such purpose and when such storage is part of the operation of a properly licensed business. (Ord. 90-0-16, 7-12-1990)

**8-2-10: HOURS OF CONSTRUCTION:**

- A. All construction and building work of any nature or kind whatsoever, including, but not limited to, building or other improvement construction, road work, sewer work and grading, to be carried on within the village shall only be allowed to be carried on during the following hours:

<b>Day Of Week</b>	<b>Hours Of Construction</b>
Monday through Saturday, inclusive	7:00 A.M. to 7:00 P.M.
Sunday	9:00 A.M. to 5:00 P.M.

- B. Any violation of this section shall, in addition to all other penalties provided in this code, be punishable by the issuance by the building commissioner of a stop work order in cases of the violation of this section. (Ord. 91-0-8, 6-27-1991)

**8-2-11: PENALTY:**

- A. It shall be unlawful for any person, firm or other entity to maintain, construct, erect or alter any building in violation of the standards set forth in the regulations herein adopted.
- B. Any person, firm or other entity violating a provision of this chapter or who shall fail to comply with any of the requirements hereof shall be guilty of an offense which is subject to the general penalty provisions set forth in this code, and each day a violation is found to exist shall be a separate offense.
- C. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this chapter, the building commissioner, or his designee, or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; 2) to prevent the occupancy of the building, structure, or land; 3) to prevent any illegal act, conduct, business, or use in or about the premises; or 4) to restrain, correct or abate the violation. (Ord. 96-0-10, 6-27-1996) (amd. Ord. 2018-O-42, 9-27-2018)

**CHAPTER 3  
ELECTRICAL REGULATIONS**

**8-3-1: REGULATIONS ADOPTED:**

See section 8-1-5 of this title for adoption of the electrical code for the village. (Ord. 84-0-5, 4-12-1984; amd. Ord. 99-0-38, 8-26-1999)

**8-3-2: AMENDMENTS AND ADDITIONS TO REGULATIONS:**

(Rep. by Ord. 99-0-38, 8-26-1999)

**8-3-3: PERMITS REQUIRED:**

All persons shall, before beginning any installation, alteration, change or electrical wiring or equipment installation in the village, obtain a permit for such work. Permits for installation, alteration and use of electrical equipment shall be issued upon receipt of an application therefor made

out on a printed form furnished by the clerk. The fee is to be paid in advance as herein provided for. Permits shall be posted in plain view, inside the building near the entrance switch or inside the service switch when installed. (Ord., 7-27-1961)

**8-3-4: BOND REQUIRED:**

Every person desiring to engage in the business of making any electrical installation in this village shall execute and file with the clerk a surety company bond payable to the village in the penal sum of one thousand dollars (\$1,000.00) conditioned that the applicant shall well and faithfully observe all the provisions and other regulations of this village relating to such electrical installations.

The application for each such permit shall contain the name of the owner or user of the electrical equipment to be installed, altered or changed, and the location of such work by correct address, street and number, also name and address of the person making the installation. (Ord., 7-27-1961)

**8-3-5: FEES:**

The village board shall by resolution, from time to time, establish reasonable fees to be paid for the inspection by the electrical inspection department of all electrical equipment installed or altered within the village. Such schedule of electrical permit fees shall be kept on file and open for public inspection at all times by the clerk and the electrical inspector. All permit fees shall be paid in advance to the clerk at the time of making application for an electrical permit. (Ord., 7-27-1961)

**CHAPTER 4  
PLUMBING REGULATIONS**

**8-4-1: REGULATIONS ADOPTED:**

See section 8-1-8 of this title for the adoption of the plumbing code for the village. (Ord. 84-0-5, 4-12-1984; amd. Ord. 99-0-38, 8-26-1999)

**8-4-2: STOP ORDER:**

The plumbing inspector shall have the power to order work stopped on the construction, alteration or repair of plumbing equipment when such work is being done in violation of any provisions of this code. Work shall not be resumed after the issuance of such a stop order except on written permission of the plumbing inspector; provided, that if the stop order is an

oral one it shall be followed by a written stop order within one hour. (1963 Code)

**8-4-3: PERMIT PROVISIONS:**

- A. Required: All persons shall, before beginning any installations, alterations or changes of plumbing work or sewer connections obtain a permit for such work. Permits shall be issued upon receipt of an application therefor made out on a printed form furnished by the clerk. The fee shall be paid in advance as provided.
- B. Application: The application for each such permit shall contain the name of the owner or user of the plumbing or sewer work to be installed, altered or changed and the location of such work by correct address, street and number, also name and address of the person making the installation, alteration or change.
- C. Fees: All fees for such permits shall be in accordance with fees established by regulations of the village board from time to time, which shall be kept on file and open to public inspection at all times by the clerk and the plumbing inspector. Such permit fees shall be in addition to sewer connection charges established by ordinance. (Ord., 6-25-1959)
- D. Connection To Water Mains Required: No permit for the installation, alteration or changes of plumbing work in any new building shall be issued unless provisions have been made for a connection to water mains provided by a public utility water service. (Ord. 83-0-2, 5-12-1983)

**8-4-4: OVERHEAD PLUMBING:**

- A. Overhead Plumbing: All new buildings with basements, floors, rooms or occupancy areas below ground level at the building site and served by a public or private sewer system, shall have overhead plumbing. No building permit application will be accepted nor any permits issued for construction of any structure unless plans and specifications therefor provide for overhead plumbing as called for in this section.
- B. Footing Drains: Footing drains shall be connected to sump pumps for further discharge into storm sewer or drainage ditches. No footing drain or drainage tile shall be connected to the sanitary sewer system. (Ord. 71-15, 9-23-1971)

**8-4-5: WATER CONSERVATION REGULATIONS:**

In order to provide for the more efficient conservation of water within the village, the following shall be required:

- A. The installation of the following water efficient plumbing fixtures (based on a pressure at the fixture of 40 to 50 psi) in all new construction and in all repair and/or replacement of fixtures or trim:

Fixtures	Maximum Flow
Water closets, tank type	3.5 gallons per flush
Water closets, flushometer type	3.0 gallons per flush
Urinals, tank type	3.0 gallons per flush
Urinals, flushometer type	3.0 gallons per flush
Shower heads	3.0 gallons per minute
Lavatory, sink faucets	3.0 gallons per minute

- B. The installation of closed system air conditioning in all new construction and in all new remodeling.
- C. That all lavatories for public use in new construction or remodeling be equipped with metering or self-closing faucets.
- D. That all newly constructed or remodeled car wash installations be equipped with a water recycling system. (Ord. 82-0-15, 9-23-1982)

**8-4-6: POLYVINYL CHLORIDE (PVC):**

PVC pipe shall be allowed by the Village in all new construction or remodeling of present structures only in residential buildings in the following installations:

- A. Drain, waste and vent system aboveground or basement inside a building.
- B. Drainage system belowground outside a building (building sewer).
- C. Joints and fittings of polyvinyl chloride (PVC) pipe shall be installed with solvent welded or flanged joints only. The pipe shall not be threaded. Transition to metallic or other piping shall be molded from the same basic material as the pipe. The solvent cement used shall be specific for polyvinyl chloride piping. (Ord. 88-0-15, 6-9-1988)

## CHAPTER 5 SIGN REGULATIONS

### **8-5-1: DEFINITIONS:**

The use in this Chapter of the phrase "any sign or other advertising device" or a similar phrase shall mean all of the signs and devices defined in this Section; the word "shall" is mandatory and nondiscretionary, as used in this Chapter, unless the context otherwise indicates.

**ATTENTION-GETTING -DEVICE:** Any pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon and similar device or ornamentation designed for purposed of promotion or advertising or attracting attention.

**ATTRACTION PANELS WITH CHANGEABLE LETTERS:** Panels on which individual letters may be temporarily affixed in order to advertise tenants, special sales, products, or other facts non-essential to the identity of the basic business conducted on the premises.

**BANNER SIGN:** Any sign printed or painted on cloth or canvass, or flags or pennants, and used for attracting the attention of the public. All banner signs shall also be considered as temporary signs.

**BILLBOARD:** Any sign which directs attention to a business, commodity, service or activity not necessarily conducted, sold or offered upon the premises where such sign is located.

**BUILDING COMMISSIONER:** The Building Commissioner of the Village of Willow Springs.

**CANOPY or MARQUEE:** or Any fixed hood constructed of metal or other incombustible material extending from a building.

**CAR SIGN:** When used in this Chapter, any sign attached to an automobile which is permanently parked for the purpose of displaying same.

**ELECTRONIC READER BOARD:** A sign which contains a traveling message or a message that appears to be traveling, usually in a horizontal manner. The characteristic incorporated into any message remains constant and does not change in hue or intensity or appears to change in hue or intensity as they appear to travel across or through the automatic changing copy area.

**FLASHING SIGN:** Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times. Illuminated signs which indicate the time, temperature, weather or other similar information shall not be considered "flashing signs".

**FREE STANDING SIGN:** Any sign supported by posts, poles, pylons, uprights, braces or other supports placed upon the ground, and not attached to any building.

**IDENTIFICATION SIGNS:** Any sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

**ILLUMINATED SIGN:** Any sign which is illuminated by electric lights or luminous devices as part of the sign proper.

**ILLUMINATED TRAFFIC SIGNAL:** Any official traffic control device or sign which is illuminated by electric lights or luminous devices.

**INCOMBUSTIBLE MATERIAL:** Any material which will not ignite at or below a temperature of one thousand two hundred degrees (1,200°) Fahrenheit and will not continue to burn or glow at the temperature.

**LOT:** Any property, improved or unimproved.

**MOVING SIGN:** Any sign that has any external or visible part or parts that move, rotate or spin.

**PENNANT:** A long, narrow, relatively small flag, often triangular, used for signaling or identification.

**PERMITTEE:** Any person, firm or corporation holding a permit pursuant to this Chapter.

**PERSON:** Any person, firm or partnership, association, corporation or organization of any type or kind.

**PORTABLE SIGN:** Any sign designed to be moved from place to place and not exceeding ten (10) square feet in area.

**POSTER:** Any advertising device not covered by the definition of "Sign" and "Billboard".

**PREMISE:** Any property, improved or unimproved.

**PROJECTING SIGN:** Any sign which is attached directly to the building wall and which extends more than eighteen inches (18") from the face of the wall.

**ROOF SIGN:** Any sign erected, constructed or maintained wholly or partially upon or above the fascia or parapet line of any building.

**SIGN:** Any device, including exterior clocks, temperature indicators, marquees, canopies, placards or other representations containing words, letters, printing, pictures, designs or combinations thereof used in the nature of advertisement, announcement, or directions calculated to attract the attention of the public.

**SHOPPING CENTERS:** More than one individual business on the same zoning lot whether in the same building or in more than one building.

**STREAMER:** A long, narrow flag, banner or pennant.

**SURFACE AREA OF SIGN:** The entire area within a single continuous perimeter enclosing the extreme limits of the sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. All sides of a multiple faced sign structure shall be used in computing total surface area except where specific provision is made to the contrary.

**TEMPORARY SIGN:** Any sign constructed of a light temporary material, with or without a structural frame, intended for a period of display of thirty (30) days or less. Temporary Signs are prohibited from being constructed out of cloth.

**UNIMPROVED LOT:** Any platted lot or tract of land used as a whole which is completely unoccupied by a building or structure and upon which no building or structure has been commenced.

**WALL SIGN:** Any sign which is attached directly to the building wall or fixed canopy or marquee and which does not extend more than eighteen inches (18") from the face of the wall or canopy or marquee.

**ZONING ORDINANCE:** The Zoning Ordinance of the Village of Willow Springs.

### **8-5-2: EXCEPTIONS; SPECIAL PROVISIONS:**

A. Real Estate Signs: The provisions of this Chapter shall not apply to signs not exceeding ten (10) square feet in surface area which advertise the sale or lease of the premises on which they are located.

1. Restrictions: No person shall construct, place, maintain or install more than one "For Sale" sign or "Sold" sign on premises located in the residential districts as defined in the Zoning Code, such sign to be no larger than two feet by three feet (2' x 3') and such sign to be removed within forty eight (48) hours after the sale.

2. Definitions: The "signs" above mentioned are hereby defined to mean any structure, and all parts composing the same, together with the frame, background or any statuary, sculpture, molding or casting used for advertising or display purposes, or any flags, bunting or material used for display or advertising purposes, including, but not limited to, placards, cards, structures or areas carrying the following or similar words: "For Sale", "Sold", "Open House", "New House", "Home Inspection", "Visitors Invited", "Installed by", or "Built by".

B. Luminous Signs: The provisions of this Chapter shall not apply to luminous signs or borders.

C. Nonconforming Signs: Any sign lawfully existing or under construction on the adoption date of this Chapter which does not conform to the provisions contained herein, may be continued or maintained, but may not be replaced, structurally altered, re-established (if discontinued) or continued if destroyed or damaged to the extent of fifty percent (50%) or more of its value.

### **8-5-3: GENERAL PROVISIONS AND RESTRICTIONS APPLYING TO ALL DISTRICTS:**

A. Illuminated Signs:

1. Illuminated signs with revolving or rotating beams or beacons shall not be permitted in any district.

2. All illuminated signs shall be wired in accordance with regulations as prescribed by the village electrical code currently in force. Gooseneck reflectors and lights shall be permitted on freestanding signs and wall signs, provided, however, that any lights be installed only in such manner that the direct rays of such lights be concentrated on the sign

and be prevented from causing a glare on, or striking, the street or nearby property or the reflector shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare on the street or nearby property.

3. Illuminated signs located on a lot adjacent to, across the street from, or in the next use district to any residential district or apartment district, shall be turned off and not operated between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. unless the premises on which or for which the sign is specifically operating is engaged in the operation of the business; in which event, the sign shall not be operated past the hour of one o'clock (1:00) A.M.

4. No illuminated sign shall be placed within one hundred feet (100') of an illuminated traffic signal if, in the opinion of the chief of police, the same shall interfere with, confuse or distract driver compliance with said illuminated traffic signal. Appeals from rulings of the chief of police may be made to the president and board of trustees.

5. Flashing signs and devices are prohibited.

6. Exposed neon tubing shall be prohibited on freestanding signs.

B. Signs On Building Walls: Signs painted on building walls are prohibited.

C. Sign Obstructions Prohibited: No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.

D. Construction Of Signs: All signs shall be so constructed, erected and maintained that all danger to persons or property shall be eliminated and no sign shall be erected or maintained so as to obstruct traffic sightlines or traffic-control signals at street intersections, or traffic sight lines or signals at railroad grade crossings. Signs visible from a street shall not contain an arrow or the words "stop" or "danger" or otherwise resemble or simulate official traffic-control signs.

E. Roof Signs: No roof signs shall be permitted to be erected in the village. However, signs painted flat upon the roof surface that can be seen only from the air are permitted in all commercial and industrial zones.

F. Materials To Construct Signs: All signs shall be constructed of metal, incombustible or approved combustible material or materials

approved for signs by the village electrical code currently in force in the village.

- G. Freestanding Signs: The post or standard supporting a freestanding sign must be securely anchored to a concrete base.
- H. Wind Pressure Construction: All signs shall be constructed to withstand a wind pressure of thirty (30) pounds per square foot, except where the requirements set forth herein are different.
- I. Responsible Party: Every sign shall be plainly marked with the name of the person, firm or corporation erecting and maintaining same; such person, firm or corporation and/or the owner of the premises on which the sign is located shall be the responsible party for the purpose of receiving notice under any section of this chapter.
- J. Car Signs: Car signs as defined herein are prohibited.
- K. Glass Signs: Any glass forming a part of any sign shall be safety glass. In case any single piece or pane of glass has an area exceeding three (3) square feet it shall be wire glass.
- L. Political Campaign Signs:
  - 1. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto shall be permitted in all districts up to a total sign area not to exceed sixteen (16) square feet for each zoning lot. Said signs shall be confined within private property and shall be set back at least fifteen feet (15') from the nearest edge of any street right-of-way line and at least fifty feet (50') from the nearest intersection of any streets or roads. No such signs shall be placed in any state, county, township or village right of way, or within any private or public utility, drainage or other easement area.
  - 2. No permit fee shall be charged for political campaign signs and the "Permit Provisions" requirements of section [8-5-6](#) of this chapter shall not apply to political campaign signs.
  - 3. Signs advertising the offices of the political candidate or political party shall not be deemed "political campaign signs" subject to the restrictions of this subsection L, but shall be subject to all other applicable regulations, including permit fees, of this chapter.

M. Pennants and Streamer Signs are prohibited except on a temporary basis.

N. Moving Signs which move or have moving parts, which movement is changed by wind or mechanically are prohibited.

O. Signs hung across any street; alley or public right of way.

P. Attention Getting Signs are prohibited except on a temporary basis.

Q. Signs painted on windows are prohibited.

R. Attraction Panels with Changeable Letters (except when used by a movie theater, hotel or gas station).

#### **8-5-4: DISTRICT REGULATIONS; PERMITTED SIGNS:**

Signs shall be classified and permitted in accordance with the regulations set forth in this chapter, and only those signs specifically permitted by the text of this chapter shall be permitted and no others. The classification for signs hereinafter set forth shall be in accordance with the various use districts designated now or hereafter established in the zoning ordinance.

A. Signs In Residential Use Districts: In residential use districts, no sign shall be erected except the following nonflashing signs and, with the exceptions of those signs permitted in subsection A5 of this section, nonilluminated signs:

1. A name sign identifying the owner or occupant of a building or dwelling unit provided the surface area does not exceed two feet (2').

2. A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed ten (10) square feet in surface area. If more than one sign is erected, the combined areas of all signs shall not exceed ten (10) square feet.

3. Temporary signs subject to the permission of the president and board of trustees of the village.

4. One sign only identifying an engineer, architect or contractor engaged in the construction of a building, provided such sign shall not exceed thirty two (32) square feet in surface area, is no more than ten feet (10') nor less than three feet (3') aboveground and is removed within thirty (30) days following occupancy of the building.

5. One identification sign, not to exceed forty five (45) square feet in area, for the following uses: church, library, park, recreation building, school, hospital and home for aged or similar institution. Such sign shall be solely for the purpose of displaying the name of the institution and/or its activities or services and may be illuminated.

6. Permitted signs in residential use districts may be located in any required yard but not less than five feet (5') from any side property line nor less than five feet (5') from any lot line adjacent to any street. In the case of corner lots permitted signs shall not be erected closer than ten feet (10') from any lot line adjacent to a street.

B. Signs In Business District And Commercial District: In the business and commercial districts the following signs shall be permitted to be erected under the conditions specified and none other.

1. Wall Signs: One (1) wall sign provided the same does not exceed three (3) square feet for each linear foot of store frontage, nor extend above the fascia or parapet line. Any portion of a store fronting or facing toward a street shall be computed as store frontage. (Ord 2016-O-16)

2. Freestanding Signs (Shopping Centers): Freestanding signs advertising a shopping center as a whole, provided the said sign or any portion thereof does not exceed eighteen feet (18') in height and maintains a clearance of ten feet (10') from the ground to the bottom of the sign and:

Are placed not closer than three hundred feet (300') apart.

Observe a setback of five feet (5') from any portion of any street or road right of way line as shown on the official village map developed from the master street plan and be placed not closer than ten feet (10') from any side property line.

Does not exceed one hundred ninety two (192) square feet in area if the sign is multifaced and ninety six (96) square feet in area if the sign is single faced.

Signs designating entrances and exits of shopping centers, providing they do not exceed eight (8) square feet in area and ten feet (10') in height from the ground to the top of the sign and meet the setback requirements of this subsection.

3. Freestanding Identification Signs (Other Than Shopping Centers): No more than one freestanding identification sign shall be erected upon any lot except corner lots, in which case one facing each street is allowed:

No freestanding sign shall exceed forty five (45) square feet in area for single faced signs nor ninety (90) square feet in the case of multifaced signs.

All freestanding signs shall maintain a distance of ten feet (10') from ground to the bottom of the sign and shall in no case exceed a total height of eighteen feet (18') from the ground to the top of the sign.

Observe a setback of five feet (5') from any portion of any street or road right of way line as shown on the official village map developed from the master street plan and be placed not closer than ten feet (10') from any side property line.

4. Projecting Identification Signs: One (1) projecting identification sign, in lieu of a wall sign or canopy or marquee sign, provided the same shall not extend more than thirty six inches (36") from the building nor above the fascia or parapet line. (Ord. 2016-O-16)

5. Canopy Or Marquee Signs: One (1) canopy or marquee sign permitted, in lieu of a wall sign or projecting identification sign, provided the same does not extend more than eighteen inches (18") from the face of the canopy or marquee and not higher than the fascia or parapet line of the building to which the canopy or marquee is attached. (Ord. 2016-O-16)

6. Temporary Freestanding Signs (Shopping Centers): Temporary freestanding signs advertising the construction and opening of a shopping center and subject to restrictions imposed by the board of trustees upon the grant of a special permit.

C. Signs In Light and Heavy Industrial District: Within the light and heavy industrial district the following shall be permitted subject to the following regulations and none others.

1. Identification Signs: The total surface of all identification signs, either one (1) wall or one (1) freestanding sign, shall not exceed three (3) square feet for each linear foot of building fronting on a street. Any portion of a building fronting or facing toward a street shall be computed as building frontage.

The height and setback provisions of business and commercial districts shall apply to all identification signs.

2. Billboards: Billboards shall be permitted on unimproved lots only, in which case they shall be limited to not more than one for a lot of six hundred foot (600') frontage or less and to only one additional sign for each six hundred feet (600') apart. Billboards may be set back one thousand two hundred feet (1,200') apart. Billboards shall be limited to twenty five feet (25') in length and height and three hundred (300) square feet in surface area. No billboard shall be erected within fifty feet (50') of an adjoining residential use district if designed to face into and be visible from such district. All billboards shall be set back twenty five feet (25') from any portion of a street or road right of way line as shown on the official village map developed from the master street plan and be placed not closer than ten feet (10') from any side property line.

3. Projecting Identification Signs: In lieu of a Wall or Freestanding sign, one (1) Projecting identification sign is permitted, provided the same does not project more than thirty six inches (36") from any building nor above the fascia or parapet line.

4. Signs On Water Reservoirs: Painted billboards and village identification signs on water reservoirs.

5. Directory Signs: Directory signs listing the names of property owners or tenants limited to a maximum of forty five (45) square feet in area on one side and subject to the height and setback provisions of the business and commercial districts and limited to street corners only. One (1) sign per zoning lot is permitted.

6. "Help Wanted" Signs: One sign on each occupied lot advertising "help wanted" limited to ten (10) square feet per face and meeting the height and setback provisions of the business and commercial districts.

D. Electronic Reader Board; Changeable Copy Signs: Electronic reader board or electronic changeable copy signs are permitted in a commercial, industrial or planned development district zoned property. The zoning district sign requirements in regards to bulk standards and design standards shall be met and not varied.

#### **8-5-5: INSPECTION AND REMOVAL OF CERTAIN SIGNS:**

- A. If the building commissioner shall find any sign regulated herein is unsafe or insecure, or has been constructed or erected in violation of the provisions of this chapter, its authorized representative shall give written notice to the permittee thereof. If the permittee fails to remove, relocate or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign may be removed by the building commissioner at the expense of the permittee or owner of the property upon which it is located. The building commissioner shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building commissioner may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
- B. Any sign now or hereafter existing which has been abandoned, fallen into disuse, or which no longer advertises a bona fide business conducted, product sold, or service rendered, shall be removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign is located within ten (10) days after written notification from the building department. Upon failure to comply with such notice within the time specified in such order, the building department is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or lot upon which such sign is located.

#### **8-5-6: PERMIT PROVISIONS:**

- A. Required: No person shall hereafter erect, construct, relocate, structurally alter, repaint, or maintain any sign, "billboard", "poster" or other advertising device, as defined herein, within the village, without having obtained a permit as provided in this chapter.

No person shall hereafter erect, construct, relocate, structurally alter, repaint, or maintain any sign, "billboard", "poster", or advertising device, as defined herein, on or over public property without first having obtained prior permission from the president and board of trustees of the village.

- B. Application For Erection Permit: Application for erection permits under this chapter shall be made upon forms provided by the village clerk. The application form shall be filed with the village clerk who shall forward same to the building commissioner for review. The application shall contain the following:

1. Name, address and telephone number of the owner of the premises and sign.
2. Location of building, structure or lot to which or upon which the sign or other advertising device is to be attached or erected.
3. A plot plan of the property involved showing accurate placement thereon of the proposed sign.
4. Blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
5. For signs over forty (40) square feet a copy of stress sheets and calculations prepared by or approved by a registered professional engineer licensed by the state of Illinois showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this chapter.
6. Name of person, firm or corporation erecting the sign.
7. Such other information as the building commissioner shall require to show full compliance with this and all other laws and ordinances of the village.

C. Permit Fees: Except as provided herein, every applicant, before being granted an original permit hereunder, shall pay to the village the permit fee for each sign structure as follows:

Billboards	\$500.00
Illuminated signs	\$200.00
All other signs	\$100.00

No permit fee shall be charged for temporary signs or for nameplates or other nonilluminated identification signs permitted to be placed in residential use district of this chapter.

D. Issuance: It shall be the duty of the building commissioner, after examination of an application for a sign erection permit, to report to the president of the board of trustees whether the application is in good form and complies with all requirements as set forth in this chapter and other village ordinances. If the work authorized under said permit has not been completed within one year after date of issuance the said permit shall be null and void.

#### **8-5-7: BOND REQUIREMENTS:**

A person engaged in the business of constructing and erecting billboards or signs shall file with the building department a bond in the penal sum of twenty thousand dollars (\$20,000.00) with a responsible surety company as surety thereon, said bond to be approved as to form by the village attorney. Said bond shall indemnify the village and its officials, for the full period of time provided for by the statute of limitations of the state of Illinois, for any and all loss, cost, expense or liability of any kind or nature whatsoever, which said village or its officials may suffer or be put to, or which may be recovered from it or them by reason of the issuance of such permit. This requirement shall not apply to an individual or business or corporation constructing and erecting a sign for his or their own personal use.

#### **8-5-8: ANNUAL INSPECTION FEES:**

The building commissioner shall inspect annually, or more frequently as he shall deem necessary, each sign regulated by this chapter and for which a permit is required, for the purpose of ascertaining whether the same is secure or insecure and whether it is in need of removal or repair. To meet the expense of such inspection, the permittee or owner thereof shall pay to the village the sum of one-half (1/2) of the then required permit fee for each sign regulated by this chapter. Provided, however, that the owner or permittee of any sign which is in violation of the provisions of this chapter who fails to remove the sign within thirty (30) days following receipt of a notice of violation, shall be required to pay the annual inspection fee required herein in order to reimburse the village for its inspection of the offending sign. Provided further, however, that the payment of such annual inspection fee for a sign in violation of this chapter, which is not removed as aforesaid, shall not grant the owner or permittee of such sign any rights to the continued use and maintenance of the sign for any period of time, nor shall it diminish the village's right to enforce the provisions of this chapter against such offending signs. No inspection fee as required by this chapter shall be charged during the fiscal year in which the sign or other advertising device is erected so long as the owner or permittee thereof has paid the permit fee required in this chapter upon the initial construction of the sign.

#### **8-5-9: VARIATIONS:**

All requests for variations in requirements herein set forth or appeals from any rulings of any officer of the village shall be directed in writing to the president and board of trustees of the village, who shall conduct a

hearing within a reasonable time. A hearing fee of two hundred fifty dollars (\$250.00) shall be deposited with the village clerk at the time a request for variation is filed. (Ord. 2019-O-14, 04-25-2019)

## **CHAPTER 6 EXCAVATIONS**

### **8-6-1: PERMIT PROVISIONS:**

- A. Required: No person or legal entity shall fill, grade, or excavate any lands in the Village except on permit of the Village.
- B. Plans and Specifications: No such permit shall be issued by the Village except on presentation of plans and specifications by a registered civil engineer which plans and specifications shall show the following:

The lands to be filled, graded, or excavated and the amount of each to be done.

The natural water courses existing on the land prior to any filling, grading, or excavating.

The properly engineered conduits or swales which will permit the natural flow of drainage to continue as it has previously flowed in an uninterrupted condition.

Complete detailed plans and specifications of the method of preserving the uninterrupted flow of natural drainage showing all necessary design and engineering information thereon.

There shall be incorporated into said plans and specifications, a storm drainage system for the premises in question shall be carried to the point of natural or substitute discharge. The drainage of the premises shall be such as to avoid the unnatural flooding of lands upstream or downstream from the area where the filling, grading or excavating has occurred.

- C. Inspection Fee: The Village hereby establishes an inspection fee for the inspection of the plans and specifications submitted to the Village hereunder and for inspection of the system as it is being installed in the field. Such fee shall be a minimum of twenty five dollars (\$25.00) for each four hundred feet (400') or portion thereof of conduit or swale created to replace the natural watercourse.

- D. Bond Required: No such permit for filling, grading, or excavating shall be granted until such time as a cash bond or a surety bond <sup>32</sup> in sufficient sum for the completion of said drainage system is deposited with the Village to insure that the work will be completed as is shown on the plans and specifications.
- E. Easement: The owners of said land shall enter into an agreement with the Village granting an easement for the continued flow of said waters in an uninterrupted fashion and agreeing in said easement that the owners of said lands over which said easements traverse (servient tenant) will maintain the watercourse in a good and operating condition at their own expense.

**8-6-2: VIOLATION; PENALTY:**

- A. Any person who is apprehended in the violation of any provision of this Chapter shall be taken before the Circuit Court of Cook County and shall be prosecuted in the name of the people of the State of Illinois pursuant to the provisions of the Criminal Code of the State of Illinois as is in such cases made and provided.
- B. Any person found to be violating any of the provisions hereof and who fails, neglects, or refuses to comply with the provisions hereof shall be prosecuted in an action for a misdemeanor instituted on the complaint of the Village or any citizen or the Building Commissioner of the Village in the Circuit Court of Cook County and upon conviction shall be fined, not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and costs. Each day in which any violation shall continue shall be deemed to constitute a separate offense.
- C. Any plumber, licensed by the State of Illinois, or any sewer builder or drain layer, who has obtained a permit under the provisions of this Code who fails to abide by the terms of this Chapter shall be subject, at the election of the Village, to have his certificate of approval revoked. Upon revocation of such certificate, said plumber or sewer builder and drain layer shall have to reapply to the Village for a certificate of approval or be further prevented from performing any construction, maintenance, or other work on facilities within the Village. After disapproval, no plumber, sewer builder, or drain layer shall be approved for performance of any construction, maintenance or other work on facilities within the Village, unless and until the deficiencies which resulted in the revocation of his permit have been corrected to the satisfaction of the Village in accordance with the provisions of this Code.

D. The foregoing penalties and prosecutions therefor shall not be held or construed as constituting a bar, release, or waiver by the Village for any civil damages that it may sustain because of any violation by any person of the provisions hereof, where it shall appear that such violation has occasioned damages to the appurtenances, machinery, equipment, sewers, buildings and the like under the jurisdiction of the Village. (Ord. 68-4-5, 1968)

## **CHAPTER 7 FENCES**

### **8-7-1: DEFINITIONS:**

**ANIMAL RUN:** A completely enclosed fence for the exercising and containment of an animal.

**FENCE:** A nonpermanent, nonliving structure forming a barrier, which is not otherwise a part of any building or structure, and which is used to delineate a boundary or as a means of confinement or for the purpose of privacy.

**HEDGE:** A barrier of densely compacted brush, shrubs, low trees or similar materials grown to enclose, screen or separate areas. (Ord. 10A-O-2009)

**HEIGHT OF FENCE:** The height of a fence is a height as measured from the existing grade level of the property on which the fence is installed to the highest most point located on the fence.

**OPEN FENCE:** A fence, including gates, having open spaces that afford direct views through the fence that comprise fifty percent (50%) of each one foot (1') wide segment extending over the entire length and height of the fence.

**PERIMETER FENCE:** A fence following the outward boundaries of the property on which it is located.

**PERIMETER OF FENCE:** The outermost point as measured by a perpendicular line drawn along the edge of a fence facing outward and perpendicular to the ground.

**SOLID FENCE:** A fence, including gates, which conceals some view of adjoining property, streets or alleys and any and all activities conducted behind it. (Ord. 81-WS-9, 8-13-1981)

### **8-7-2: COMPLIANCE; RESTRICTIONS:**

- A. Compliance: It shall be unlawful for any person to erect or to cause to be erected or to own or maintain a fence on any property within the village except as provided in this chapter.
- B. Penalty: Any person violating any provision of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- C. Prohibited Fences: No dangerous or hazardous type fence such as barbed wire, electrical fences, fences with spikes, broken glass or other sharp points imbedded in them or any other type fence that could result in injuries to persons climbing on or over such fences shall be permitted to be erected or maintained within the village. Also, no fences that are leaning in such a manner that an angle of fifteen degrees (15°) or more is produced when measured from the vertical shall be erected or maintained within the village. (Ord. 81-WS-9, 8-13-1981)

### **8-7-3: PERMIT PROVISIONS:**

- A. Required: No person shall erect a fence in the village without having first received a permit.
- B. Application: Applications for such a permit shall be filed in the office of the village clerk and shall include a sketch of the proposed fence indicating the design of the fence, the material to be used, the dimensions of the proposed fence and a plat of survey of the lot on which the proposed fence is to be located showing the proposed location of said fence.
- C. Fee: At the time of the filing of such an application, an application fee of forty dollars (\$40.00) shall be paid.
- D. Investigations And Approval: An investigation with respect to the application shall be made by the building commissioner, who shall report the results of his investigation to the president and board of trustees. No permit shall be issued without the approval of the board of trustees. (Ord. 81-WS-9, 8-13-1981)

#### **8-7-4: GENERAL CONSTRUCTION REQUIREMENTS:**

Every fence to be erected in the village shall be designed and constructed to resist and withstand a wind pressure of not less than twenty (20) pounds per square foot of the gross proposed area of the fence less any openings from any angle of approach. All fence posts used in the construction of a fence must be buried in the ground to a depth of at least one-third (1/3) of the total length of said fence post. All fence parts, anchors and shavings of wood or other organic materials shall be treated with a chemical treatment to protect them from deteriorating when they are placed in or upon the ground. Alterations to the existing grade level preceding the use of a fence for the purpose of altering the height of the fence shall not be permitted. All fences shall be maintained in good and sound condition and shall not create a harborage for rodents. If a fence is to be painted, only a nonlead base paint shall be used. No fence shall be constructed in such a manner as to impede or alter the natural surface water drainage of the property upon which the fence is constructed or any adjoining property. (Ord. 81-WS-9, 8-13-1981)

#### **8-7-5: DESIGN, LOCATION AND HEIGHT REQUIREMENTS:**

- A. Residential Districts: No fence shall be constructed in a front yard past the front building line. A hedge may be located in a front yard past the front building line but it shall be limited to three (3) feet in height. In the case of corner lots, no fence shall be erected beyond the building lines of those sides of the building which face the two (2) streets forming the corner lot. (Ord. 10A-O-2009)
- B. Business Or Commercial Or Light Industrial Districts: All fences constructed in business, commercial or light industrial districts shall be open or solid fences. In business districts, such open or solid fences shall not exceed six feet (6') in height. In commercial and light industrial districts, such open or solid fences shall not exceed eight feet (8') in height.

Where property in light industrial districts adjoins or fronts on any property situated in a residential district, a solid fence shall be erected on those sides adjoining or fronting on the property situated in a residential district. Such a fence shall be located within six inches (6") of the property line that abuts the residential property. Such solid fence shall be not less than five feet (5') in height nor more than eight feet (8') in height. Natural screening such as a densely planted compact hedge may be used in lieu of a solid fence. The height of such natural

screening shall be in accord with those requirements set forth above in this section.

In light industrial districts, fences shall be required to screen storage areas. If said storage area is within one hundred fifty feet (150') of the nearest point of any residential district, then all storage shall be in completely enclosed buildings or structures. Storage areas located elsewhere in a light industrial district may be open to the sky but shall be enclosed by a solid fence or wall including solid doors or gates thereto. In light industrial districts, such storage yard fences shall be a solid fence eight feet (8') in height. All such fences shall be allowed only in rear and side yards.

All exterior areas of "food service establishments", as such term is defined in title 4, chapter 8 of this code, wherein garbage and refuse are stored, shall be enclosed by a solid fence or walls, including solid doors or gates thereto. Such fence or walls shall be not less than five feet (5') nor more than six feet (6') in height. All food service establishments licensed by the village prior to the effective date hereof shall comply with the requirements of this chapter within six (6) months from the effective date hereof.

- C. Animal Runs: Animal runs shall not be allowed in front or side yards and the perimeter of the fences shall be no closer than five feet (5') from the property line of the adjoining properties. Said animal runs shall have an area of not more than one hundred (100) square feet and shall be not more than six feet (6') in height. (Ord. 81-WS-9, 8-13-1981)
- D. Fence Face: All fences must be designed and constructed so that fence posts are on the inside of the fence facing into the property and the face of the fence shall face outward. (Ord. 85-0-20, 11-23-1985)

**8-7-6: DEVIATIONS:**

An application for deviations from the requirements of this chapter shall be presented to the plan and zoning commission for review, whereupon the plan and zoning commission shall provide a written recommendation to the director of planning and zoning. The director of planning and zoning shall have fourteen (14) days to review the plan and zoning commission recommendation and approve or disapprove of the application for deviation. In the event the director of planning and zoning's decision is contrary to the recommendation of the plan and zoning commission, the application shall be brought before the board of trustees of the village, at a regular or committee of the whole board

meeting, for final determination. (Ord. 15-O-2004, 5-27-2004; amd. Ord. 12-O-2005, 8-11-2005)

## **CHAPTER 8 FALLOUT SHELTERS**

### **8-8-1: CONSTRUCTION PERMIT PROVISIONS:**

- A. Required: No person shall construct a family fallout shelter unless a permit shall have been issued therefor.
- B. Application: Application for such permit shall be made to the Building Commissioner on forms to be provided by the Village. Such application shall be accompanied by plans and specifications to be approved by the Building Commissioner and the Fire Chief. The permit shall be issued by the Clerk after approval by the President and the Village Board. No fee or charge shall be made by the Village for such permit.

### **8-8-2: CONSTRUCTION STANDARDS:**

- A. Minimum Standards, Compliance: Family fallout shelters shall comply with the minimum standards set forth by the Office of Civil and Defense Mobilization in publication designated MP-15, dated June, 1959, reprinted November, 1960, and publication designated NP-10-2 entitled "Guide for Architects and Engineers", dated May, 1960. In the event of changes made in minimum standards or specifications by the Department of Defense, shelters thereafter constructed shall comply with such new design, minimum standards or specifications.
- B. Locations, Grade: Fallout shelters shall be constructed below yard grade where practicable. However, where in the opinion of the Building Commissioner and the Fire Chief such shelter cannot practically be built below yard grade, an exception may be made and a permit may be issued authorizing the construction of such shelter above yard grade.

### **8-8-3: FALLOUT SHELTER USE; RESTRICTIONS:**

Family fallout shelters are intended to be used for the sole purpose of protection from fallout during a national emergency. However, such shelter may be used by the owner thereof for other purposes, except for living accommodations or sleeping quarters, which will not prevent its immediate use as a fallout shelter in a national emergency. (Ord., 3-8-62)

**CHAPTER 9**  
**DISH-TYPE SATELLITE SIGNAL RECEIVING ANTENNAS**

**8-9-1: DEFINITIONS:**

DISH: That part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS: Also referred to as "earth stations" or "ground stations", shall mean one, or a combination of two (2) or more of the following:

A. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

B. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and or transmit electronic or light signals.

C. A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

GROUNDING ROD: A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

RECEIVER: A television set or radio receiver.

**8-9-2: PERMIT REQUIRED:**

No person, firm, partnership, corporation, trust or other legal entity shall construct an earth station without a permit, nor shall construction commence before a permit is issued in accordance with this Chapter.

**8-9-3: APPLICATION FOR PERMIT:**

The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the Village who desires to construct an earth station on said lot, premises, or land parcel, must first obtain a permit to do so from the Building Commissioner.

The Building Commissioner shall issue such permit, provided the applicant submits a written application upon forms provided and approved by the

Building Commissioner, along with a plot plan of the lot, premises or land parcel attached showing the exact location and dimensions of the proposed earth station; a description of the kind of earth station proposed; the exact location and dimensions of all buildings or structures; construction plans and specifications prepared by a professional engineer, showing the elevations of the proposed earth station upon completion; and a structural engineering analysis. Each application shall specify among other things the name and address of the owner of the real estate; the applicant; the professional engineer who prepared the construction plans and specifications; and the person to be permitted to construct the proposed earth station.

The applicant shall present documentation of the possession of any license or permit required by any Federal, State or local agency pertaining to the ownership, construction or operation of an earth station.

The applicant shall submit with each application the required permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application. The fees are specified in Section 8-9-6 of this Chapter.

The Building Commissioner must notify by certified mail owners of real estate adjoining the property upon which the proposed earth station is to be erected at least ten (10) days before issuing a permit.

#### **8-9-4: LOCATION OF EARTH STATION:**

##### **A. Ground-Mounted:**

1. No earth station shall be constructed in any front or side yard, but, shall be constructed to the rear of the residence or main structure.
2. No earth station, including its concrete base slab or other substructure, shall be constructed less than eight feet (8') from any property line or easement.
3. No earth station shall be constructed without appropriate evergreen landscaping to reasonably conceal said earth station from view, and the planting shall be completed before final approval by the Building Commissioner.
4. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.

5. An earth station shall not exceed a grade height of twelve feet (12').
6. All structural supports shall be of galvanized metal.
7. Wiring between an earth station and a receiver shall be placed at least four inches (4") beneath the surface of the ground within rigid conduit.
8. Such earth station shall be designed to withstand a wind force of seventy five (75) miles per hour without the use of supporting guy wires.
9. Any driving motor shall be limited to one hundred ten (110) volts maximum power design and be encased in protective guards.
10. An earth station must be bonded to a grounding rod.
11. No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure. (Option for Roof-Mounted)

B. Roof-Mounted:

1. Earth stations shall be mounted directly upon the roof of a primary or accessory structure, as defined in the Building Code, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires.
2. An earth station shall not exceed a height of more than three feet (3') above the roof upon which it is mounted.
3. An earth station shall be designed to withstand a wind force of eighty five (85) miles per hour.
4. An earth station "dish" shall not exceed three feet (3') in diameter.
5. Any driving motor shall be limited to one hundred ten (110) volts maximum power design and be encased in protective guards.
6. An earth station must be bonded to a grounding rod.

**8-9-5: APPEALS:**

The denial of a permit shall entitle the applicant to appeal to the full Village Board. The Board shall hold a hearing within fifteen (15) days of receiving a notice of appeal. At said hearing the applicant shall be entitled to be represented by legal counsel, and present witnesses to support his application.

**8-9-6: FEES; NEW INSTALLATIONS:**

A. Business and Commercial:

Permit fee:	\$200.00
Inspection fee:	\$100.00
<hr/>	
Total:	\$300.00

There is an annual license fee of one hundred fifty (\$150.00) dollars and an inspection fee of fifty dollars (\$50.00) to be paid on the anniversary date of the installation.

B. Residential:

Permit fee:	\$100.00
Inspection fee:	\$50.00
<hr/>	
Total:	\$150.00

There is an annual license fee of twenty five dollars (\$25.00) and an annual inspection fee of twenty five dollars (\$25.00) to be paid on the anniversary date of the installation.

**8-9-7: PRESENT INSTALLATIONS:**

All satellite signal receiving antennas presently installed shall be covered by this Chapter upon its effective date. The annual license and inspection fee shall be paid as of January 1 of each year. If any antennas are replaced, the permit and inspection fee shall be paid under the provision dealing with new installations.

### **8-9-8: PENALTIES:**

The provisions of Sections 1-4-1 through 1-4-2 of this Code shall apply to this Chapter. (Ord. 85-0-18, 11-23-85)

## **CHAPTER 10 LANDSCAPE REQUIREMENTS**

### **8-10-1: PURPOSE:**

The landscape standards provided herein are for the purpose of helping to establish an aesthetically pleasing community environment, increase the compatibility of adjacent uses, minimize the potentially harmful impacts of noise, debris and headlight glare or other nuisances, thereby protecting and preserving the appearance, character, economic values and overall general health, safety and welfare of the community as well as encouraging renewed development within the Village. (Ord. 89-0-13, 11-9-89)

### **8-10-2: LANDSCAPE REQUIREMENTS AND PLAN APPROVAL:**

- A. No person shall construct, substantially alter or remodel, remove or reconstruct any commercial, industrial or multiple family residential uses, without complying with the landscaping requirements set forth in this Chapter.
- B. Any person applying for a building permit or other permit to do work requiring landscaping under the Chapter or seeking approval of any residential, commercial or industrial subdivision or planned unit development under Title 9B of this Code, shall submit for approval with such permit application or subdivision or planned unit development review, a landscape plan in accordance with the standards set forth in this Chapter. The landscape plan shall be prepared by a trained professional knowledgeable in standard landscaping practice and shall be drawn to an appropriate scale, and shall show the following: location, size and height of all structures, streets, driveways, walks, off-street parking/loading areas, refuse areas, fences, setbacks and any other significant existing or proposed physical condition on the site, (i.e.: vegetation, water bodies, topography, etc.) as well as elevations, sections and/or other appropriate details to help convey the elements of the plan. An accompanying plant list shall specify the number, type, size and spacing of all plantings.

C. Any professional review fees incurred by the Village for the review of the landscape plan and inspection of the completed landscaping shall be payable by the applicant in conjunction with the issuance of the building permit or upon approval in the case of subdivisions or planned unit developments, as the case may be. In the event a landscape plan is reviewed by the Building Department without a professional consultant's review, the fee for such review shall be thirty five dollars (\$35.00). (Ord. 91-0-13, 9-26-91)

**8-10-3: MINIMUM PLANTING STANDARDS:**

Minimum planting standards shall be as follows:

A. Required plant material shall be provided at a minimum ratio of one plant for each seven hundred twenty five (725) square feet of gross site area and shall be of the following types:

1. Shade trees shall be two and one-half inches (2 1/2") minimum caliper, measured twelve inches (12") above grade, balled and burlapped and shall comprise a reasonable portion of the overall plantings provided but not less than three percent (3%) of the total required plantings.
2. Evergreen trees shall be a minimum height of six feet (6') and shall comprise a reasonable portion of the overall plantings provided but not less than seven percent (7%) of the total required plantings.
3. Ornamental trees shall be one and one-half inches (1 1/2") minimum caliper measured twelve inches (12") above grade, and a minimum height of six feet (6') and shall comprise a reasonable portion of the overall plantings provided but not less than fifteen percent (15%) of the total required plantings.
4. Evergreen shrubs shall be a minimum height of two feet (2') and shall comprise a reasonable portion of the overall plantings provided but not less than twenty five percent (25%) of the total required plantings.
5. Deciduous shrubs shall be a minimum height of three feet (3') and shall comprise a reasonable portion of the overall plantings provided but not less than fifty percent (50%) of the total required plantings.
6. Ground cover, where provided, shall be at a density sufficient to insure total coverage within two (2) years of initial installation.

Decorative stones, wood chips, etc. may be substituted for living ground cover where appropriate.

- B. In all cases, due regard shall be given to the preservation of existing, significant and desirable natural site features, including trees of four inches (4") diameter or greater, watercourses, topographic relief, etc., and appropriate credit shall be awarded accordingly.
- C. Lawn areas, including all areas of the property not improved with building, paving, walks or approved plantings, shall be rough graded, seeded or sodded with an appropriate grass mixture.
- D. Street tree plantings (or other appropriate plantings where berming is used to screen a development from street traffic or in the case of other topographic features that would not be suited for tree plantings), shall be provided for all unpaved areas within any dedicated street right of way, detention or other public area, in conjunction with appropriate grading, installation of a minimum four inches (4") of top soil and seeding or sodding operations. Trees or other plantings, shall be planted within the public right of way on both sides of all dedicated streets except where existing appropriate vegetation is to be preserved. Tree spacing shall be the greater of a ratio of one tree per lot (2 trees per corner lot) or a minimum spacing of fifty feet (50') on center. Credit may be given for the successful preservation of existing vegetation at the discretion of the Village staff. A listing of acceptable and prohibited street trees is as follows:

<b>Acceptable</b>	<b>Prohibited</b>
oak	poplar
maple	box elder
hackberry	tree of heaven
ginkgo	willow
honey locust	mulberry
linden	
ash	

Species shall be alternated so that not more than six (6) trees of the same species shall be planted consecutively. Substitution of approved plantings shall be permitted only with the approval of the Village staff. All plans for the landscaping of screening berms shall also be approved by the Village staff.

**8-10-4: LANDSCAPING OF PARKING AREAS:**

Parking area screening shall be provided in the following instances:

- A. Parking areas, including any and all impervious surfaces of more than four (4) parking stalls, shall be effectively screened to a minimum height of four feet (4') if located within front/corner yards and five feet (5') if located within required side/rear yards. Said plantings shall consist of densely planted trees and shrubs, earth berms or both and shall cover one hundred percent (100%) of the boundary adjacent to a residential use and fifty percent (50%) of the boundary adjacent to a nonresidential use. All parking areas shall be landscaped to provide a minimum of one tree in the area of each fifteen (15) parking spaces (or part thereof) and not less than ten percent (10%) of the interior of any parking space, greater than six (6) spaces, shall be landscaped. Each landscaped area must contain a minimum of one hundred twenty (120) square feet and at least seventy five percent (75%) of the total landscaped area shall contain plantings and/or living ground cover.
- B. Parking areas, including any and all impervious services of more than four (4) parking stalls, not located within required yards, shall also be effectively screened to a minimum height of three feet (3') at the previously indicated percentages of cover.

**8-10-5: LANDSCAPE BUFFERS FOR CONTIGUOUS AND NONCONTIGUOUS USES:**

Contiguous uses shall be appropriately buffered with landscaping. Where one nonresidential use abuts another, shade trees shall be at a maximum spacing of fifty feet (50'); where a nonresidential use abuts a residential use, a solid screen at a minimum height of six feet (6') shall be provided along one hundred percent (100%) of the contiguous boundary consisting of a face brick wall, wood fence and/or a densely planted earth berm and shade trees at a maximum spacing of fifty feet (50'). Where a multi-family use abuts a residential use, a landscape screen to a minimum height of five feet (5') shall be planted along fifty percent (50%) of the contiguous boundary consisting of shade trees at a maximum spacing of fifty feet (50'), shrubs and/or earth berms. Said screening of residential uses shall provide for year-round privacy.

**8-10-6: LANDSCAPING OF LOAD AND REFUSE AREAS:**

- A. Loading and refuse areas, whether in commercial or multi-family residential areas, shall be effectively screened by a face brick wall, wood fence and/or densely planted landscape hedge to a minimum height of six feet (6') at the time of installation.

B. Any commercial or multi-family residential properties with refuse areas existing at the time of the adoption of this Chapter shall have twelve (12) months from the adoption of this Chapter to comply with the requirements of this Section. (Ord. 89-0-13, 11-9-1989)

**8-10-7: LANDSCAPING OF SIGNS:**

The area around freestanding business and/or residential subdivision identification signs shall be appropriately landscaped to provide one and one-half (1 1/2) square feet of landscape for every square foot of sign surface area. Plants shall be of a size and type proportional to the size of the sign. Seeded, sodded and nonliving ground cover areas shall not be included in calculation. (Ord. 89-0-13, 11-9-1989)

**8-10-8: LANDSCAPING OF WETLANDS:**

Landscaping of designated wetland areas as determined by the United States Corps of Engineers shall be in conformance with the native wetland planting requirements of the appropriate regulatory body and as approved by the Village staff. (Ord. 89-0-13, 11-9-1989)

**8-10-9: INSTALLATION OF LANDSCAPING PLANTINGS:**

Installation of all landscaping plantings shall be completed during the normal growing season, not within frozen soil, and shall be appropriately staked and watered. Plantings shall be installed prior to issuance of an occupancy permit, unless weather conditions dictate otherwise, in which case the completion of all landscaping, including lawn areas, may be extended to the next growing season. Provided, however, that in no event shall the completion of landscaping be extended later than six (6) months after occupancy. And, in the event the completion of landscaping is extended, the granting of any occupancy permit shall be deemed conditional until the landscaping is completed. (Ord. 89-0-13, 11-9-1989)

**8-10-10: LANDSCAPE MAINTENANCE BOND:**

Security for the growth and maintenance of approved landscaping in the form of cash or a bank letter of credit, in an amount equal to one hundred percent (100%) of the cost of approved landscaping improvements, shall be submitted to the Village and shall be held by the Village to insure that an adequate mat of grass and evidence of new

growth exists on plantings for a minimum period extending through one full growing season (April 1 through October 31). The posting of the landscape security required herein shall be the responsibility of the contractor obtaining the building permit or other approval as the case may be and shall be a condition precedent to the issuance of an occupancy permit or other final approval. (Ord. 98-0-6, 2-26-1998)

## **CHAPTER 11 BELOW GRADE/CONFINED SPACE WORK PERMITS**

### **8-11-1: DEFINITIONS:**

Unless the context clearly requires otherwise, the following definitions are hereby established:

**BELOW GRADE AND/OR CONFINED SPACE:** Any areas as defined by the United States Government Occupational Safety and Health Administration and/or the United States Bureau of Mines.

**PERMIT REQUIRED BELOW GRADE/CONFINED SPACE:** Any areas as defined by the United States Government Occupational Safety and Health Administration and/or the United States Bureau of Mines.

**SCHEDULE OF FEES:** Fees to be reimbursed by any person, firm, corporation, contractor or other entity requiring emergency or other services by the Village of Willow Springs Fire Department and mutual aid companies in a below grade or confined space incident. (Ord. 98-0-7, 2-26-1998)

### **8-11-2: RESPONSIBILITY:**

The Fire Chief is charged with the administration of the provisions of this Chapter and shall enforce same in coordination with the Chief of Police. Such administration shall include the review and issuance of any below grade/confined space permits required hereunder and the establishment of the schedule of fees. (Ord. 98-0-7, 2-26-1998)

### **8-11-3: PERMIT REQUIRED:**

A. Any person, firm, corporation, contractor or other entity working below grade and/or in confined spaces shall secure from the Village a below

grade/confined space permit for such work in accordance with this Section.

- B. Any person, firm, corporation, contractor or other entity which works below grade and/or in a confined space as a regular part of its business operation shall apply for a below grade/confined space permit at the same time that it is required to apply for a business license pursuant to Title 4 of this Code. Such below grade/confined space permit shall be for the same period as the annual business license.
- C. Any person, firm, corporation, contractor or other entity which desires to work below grade and/or in a confined space within the Village shall, prior to the commencement of such work, secure a below grade/confined space permit from the Village. Said below grade/confined space permit shall be effective for one year from the date of its issuance.
- D. The annual fee for a below grade/confined space permit shall be one thousand dollars (\$1,000.00). (Ord. 98-0-7, 2-26-1998)

**8-11-4: REIMBURSEMENT OF COST:**

Any person, firm, corporation, contractor or other entity requiring emergency or other services by the Fire Department or mutual aid companies shall reimburse the Village in accordance with the schedule of fees within fifteen (15) days after receipt of an invoice for such services from the Village. (Ord. 98-0-7, 2-26-1998)

**CHAPTER 12  
DEMOLITION PERMIT**

**8-12-1: PERMIT REQUIRED:**

Any person, firm, corporation, contractor or other entity desiring to demolish or wreck any structure within the Village shall first secure a permit

from the Building Department. An application for such permit shall be in forms provided by the Building Department. A permit shall be issued following satisfaction of any requirements and conditions set forth in this Chapter. Upon issuance of such demolition permit, such permit shall be subject to the conditions of this Chapter. (Ord. 96-0-1, 1-11-1996)

**8-12-2: SERVICE CONNECTIONS:**

Before a principal structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure. A permit to demolish or remove a structure shall not be issued until a release is obtained from each utility service or company, stating that their respective service connections and appurtenant equipment have been removed or sealed and plugged in an acceptable manner. (Ord. 96-0-1, 1-11-1996)

**8-12-3: NOTICE TO ADJOINING OWNERS:**

Only when written notice by certified mail has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure. (Ord. 96-0-1, 1-11-1996)

**8-12-4: RESTORATION OF DEMOLITION SITE:**

All foundation walls, footings, concrete floors, and other concrete in areas below grade must be removed. All demolition debris, including, but not limited to bricks, concrete, wood and metal shall be removed, and all voids resulting from the above removal shall be filled immediately to at least the existing grade with organic material or granular materials in accordance with section 213 of the State of Illinois Standard Specifications for Road and Bridge Construction. The area must then be swaled for proper drain-off. The land must be restored as close as possible to its' original stage. The final top layer of fill shall contain adequate top soil to sustain grass and be seeded in a professional manner. (Ord. 96-0-1, 1-11-1996)

**8-12-5: CASH BONDS:**

In addition to any permit fees required by this Chapter, no firm or persons shall be issued a wrecking or demolition permit within the Village if the cost of such work is five thousand dollars (\$5,000.00) or more until such firm or person shall deposit with the Building Department a cash bond in the

amount of two thousand dollars (\$2,000.00) cash, and a license and permit bond in the amount of ten thousand dollars (\$10,000.00). Each bond shall comply with the laws of the State. If the demolition is not completed in accordance with Village ordinance, the Village shall give notice to the applicant stating the action(s) required to comply with the Village ordinance and if the applicant fails to take the action stated, the Village shall have the right to utilize said bond, or any portion thereof, to satisfactorily complete the demolition. (Ord. 96-0-1, 1-11-1996)

**8-12-6: CASH BOND REFUND FOR DEMOLITION WRECKING:**

The deposits made pursuant to Section 8-12-5 shall be refunded to the permittee upon return of the cash deposit receipt and when compliance with the Village codes and ordinances is complete and all streets, alleys, sidewalks or parkways have been restored to their original condition to the satisfaction of the Building Commissioner. If the permittee fails to finish any cleanup of the Village, after due notice shall take such action as is necessary to complete necessary repairs and/or cleanup. The fund shall be reduced by the amount of final repairs to the street, alley, sidewalk, parkway, trees or other Village property. (Ord. 96-0-1, 1-11-1996)

**8-12-7: BUILDING DEMOLITION OR WRECKING PERMIT FEE:**

The permit fee to demolish or wreck a building or structure shall be as follows:

Single-family or two-family residence	\$250.00
Multiple-family residence up to 6 units	350.00
Multiple-family residence over 6 units up to 12 units	550.00
Multiple-family residence over 12 units	750.00
Commercial building	750.00
Industrial building	750.00
Residential garage or equal in size	75.00
Minimum fee for any smaller building	25.00

(Ord. 96-0-1, 1-11-1996)

**8-12-8: SAFETY:**

- A. The contractor shall exercise proper precaution at all times for the protection of persons and property and shall be responsible for all damages to person or property, either on or off the site, which occur as a result of his prosecution of the work. (Ord. 96-0-1, 1-11-1996)
- B. Public sidewalks shall be kept passable for pedestrian traffic at all times. If it is necessary to partially block the street, barricades shall be placed and warning lights shall be activated at night and the director of public works shall be notified. Approved fencing shall be used to screen and secure the construction site, at the discretion of the building department and/or public works department. (Ord. 96-0-1, 1-11-1996; amd. Ord. 33-O-2006, 9-28-2006)
- C. The contractor shall adhere to all applicable regulations of the U.S. or Illinois environmental protection agency and shall secure all required licenses, approvals or permits required therefrom before the issuance of a permit pursuant to this chapter. Care shall be taken to prevent the spread of dust or flying particles. After work is started on any building, the work on the building shall be continued to completion promptly and expeditiously.
- D. The contractor, his representative or employees shall not burn or cause to be burned, within the site of the work any paper, wood or other combustible refuse, waste or other material resulting from wrecking or other operations. (Ord. 96-0-1, 1-11-1996)

**CHAPTER 13  
BUILDING CODE ADJUDICATION**

**8-13-1: CODE HEARING DEPARTMENT**

A. Definitions

"Code": Any municipal ordinance, law, housing or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in a municipality or any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or the abatement of nuisances from private property.

"Building Inspector": A full time state, county or municipal employee whose duties include the inspection or examination of structures or property in a municipality to determine if zoning or other code violations exist.

"Property Owner": The legal or beneficial owner of a structure.

"Hearing Officer": A municipal employee or an officer or agent of a municipality, other than a building inspector or law enforcement officer, whose duty it is to:

1. Preside at an administrative hearing called to determine whether or not a code violation exists;
2. Hear testimony and accept evidence from the building inspector, the building owner and all interested parties relevant to the existence of a code violation;
3. Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
4. Issue and sign a written finding, decision and order stating whether a code violation exists.

- B. Code Hearing Department. The corporate authorities of any municipality shall adopt this Chapter and establish a Code Hearing Department within an existing code enforcement agency or as a separate and independent agency in the municipal government. The function of the hearing department is to expedite the prosecution and correction of code violations in the manner set forth in this Chapter.
- C. Hearing Procedures Not Exclusive. This Chapter does not preclude the Village from using other methods to enforce the provisions of its Village Code.
- D. Instituting Code Hearing Proceedings. When a building inspector finds a code violation while inspecting a structure, he shall note the violation on a multiple copy violation notice and report form, indicating the name and address of the structure owner, the type and nature of the violation, the date and time the violation was observed, the names of witnesses to the violation, and the address of the structure where the violation is observed.

The violation report form shall be forwarded by the building inspector to the Code Hearing Department where a docket number shall be

stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported by the building inspector.

One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the building inspector so that he may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail on the owner of the structure, along with a summons commanding the owner to appear at the hearing. Service may be made on the owner by mailing the report and summons to the owner's address registered with the municipality. If the name of the owner of the structure cannot be ascertained or if service on the owner cannot be made by mail, service may be made on the owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than 20 days before the hearing is scheduled.

- E. Subpoenas; Defaults. At any time prior to the hearing date the hearing officer assigned to hear the case may, at the request of the building inspector or the attorney for the municipality, or the owner or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for hearing the owner or his attorney fails to appear, the hearing officer may find the owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.
- F. Continuances - Representation at Code Hearings. No continuances shall be authorized by the hearing officer in proceedings under this Chapter except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Chapter shall not exceed 25 days. The case for the municipality may be presented by the building inspector, by any other municipal employee or by an attorney designated by the municipality. However, in no event shall the case for the municipality be presented by an employee of the Code Hearing Department. The case for the dwelling owner may be presented by the owner, his attorney, or any other agent or representative.
- G. Hearing; Evidence. At the hearing, a hearing officer shall preside and shall hear testimony and accept any evidence relevant to the

existence or nonexistence of a code violation in the structure indicated. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Chapter.

- H. Eviction - Rights of the Occupants. No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.
- I. Defenses to Code Violations. It shall be a defense to a code violation charged under this Chapter if the owner, his attorney, or any other agent or representative proves to the hearing officer's satisfaction that:
- a. The code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed;
  - b. The code violation has been caused by the current property occupants and that in spite of reasonable attempts by the owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations; and
  - c. An occupant or resident of the dwelling has refused entry to the owner or his agent to all or a part of the dwelling for the purpose of correcting the code violation.
- J. Findings, Decision, Order. At the conclusion of the hearing the hearing officer shall make a determination on the basis of the evidence presented at the hearing whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the findings of fact, and an order, ordering the owner to correct the violation or dismissing the case, in the event a violation is not proved. If a code violation is proved, the order may also impose the sanctions that are provided in the code for the violation proved. A copy of the findings, decision, and order shall be served on the owner within five days after they are issued; service shall be in the same manner as the report form and summons are served pursuant to Section D of this Chapter. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the code.

- K. Administrative Review. The findings, decision and order of the hearing officer shall be subject to review in the circuit court of the county where the municipality is located, and the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto are adopted and shall apply to and govern every action for the judicial review of the final findings, decision and order of a hearing officer under this Chapter.
- L. Judgment on Findings, Decision, Order,
- a. Any fine, other sanction or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law.
- b. After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the municipality may commence a proceeding in the circuit court of the county where the municipality is located for purposes of obtaining a judgment on the findings, decision and order. Nothing in this Section shall prevent a municipality from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the municipality shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this Chapter and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions and costs imposed by the findings, decision and order does not exceed \$2,500. If the court is satisfied that the findings, decision and order were entered in accordance with the requirements of this Chapter, and that the property owner had an opportunity for a hearing under this Chapter and for judicial review as provided in this Chapter: 1) the court shall render judgment in favor of the municipality and against the property owner for the amount indicated in the findings, decision and order, plus costs. Such judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money; and 2) the court may also issue

such other orders and injunctions as are requested by the municipality to enforce the order of the hearing officer to correct a code violation.

M. Sanctions Applicable to Owner - Property. The order to correct a code violation and the sanctions imposed by a municipality as the result of a finding of a code violation under this section shall attach to the property as well as to the owner of the property, so that a finding of a code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a hearing officer under this section. (Ord. 2008-O-09)

## **CHAPTER 14 REGISTRATION OF DEFAULTED MORTGAGE AND VACANT PROPERTY**

### **8-14-1: PURPOSE AND INTENT.**

It is the purpose and intent of the Village to establish a process to address the deterioration, crime, and decline in value of Village neighborhoods caused by property with defaulted mortgages located within the Village, and to identify, regulate, limit and reduce the number of these properties located within the Village. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Village's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Default or Defaulted, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

### **8-14-2: DEFINITIONS**

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Default** shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence

of the debt, referred to in the mortgage, as evidenced by the initiation of a Foreclosure Action.

**Enforcement Officer** shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Village to enforce the applicable code(s).

**Evidence of Vacancy** shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

**Foreclosure or Foreclosure Action** shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

**Mortgagee** shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

**Owner** shall mean every person, entity, or Mortgagee, who alone or severally with others:

- (a) Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building, structure, parcel of land, Vacant or otherwise, including but not limited to, a mobile home; or

- (b) Has legal care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, Vacant or otherwise, including a mobile home park, in any capacity, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- (c) Is a Mortgagee in possession of any such property, or is a Mortgagee with actual control of access to the property by any means including, but not limited to, changing locks or putting on a lock box; or
- (d) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property.

The Property Manager shall not be considered the Owner.

**Property Manager** means any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

**Real Property** means any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Village limits.

**Registrable Property** means:

- (a) Any Real Property located in the Village, whether vacant or occupied, that is encumbered by a mortgage in Default, is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed and any Default on the mortgage has been cured; or
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

**Registry** shall mean a web-based electronic database of searchable Real Property records, used by the Village to allow Mortgagees and Owners the opportunity to register Defaulted and Vacant properties and pay applicable fees as required in this Chapter.

**Semi-Annual Registration** shall mean six (6) months from the date of the first action that requires registration, as determined by the Village, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

**Utilities and Services** shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Village codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

**Vacant** means any parcel of land, with an individual Property Tax Identification Number ( PIN #) in the Village that contains any building or structure that is not lawfully occupied.

### **8-14-3: APPLICABILITY AND JURISDICTION**

This Chapter applies to Defaulted and Vacant property within the Village.

### **8-14-4: ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of Section 8-1-12 the Village, or its designee, shall establish a registry cataloging each Registrable Property within the Village, containing the information required by this Chapter.

### **8-14-5: INSPECTION AND REGISTRATION OF DEFAULTED MORTGAGE PROPERTY**

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Village shall perform an inspection of the property upon it being in Default or Defaulted by the mortgagor or prior to the issuance of a notice of Default.
- (b) Property inspected pursuant to subsection (a) above that remains in Default or Defaulted, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a

change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

- (c) Within ten (10) days of the date any Mortgagee declares its mortgage to be in Default or Defaulted, the Mortgagee shall register the Real Property with the Village Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage in Default or Defaulted. A separate registration is required for each Defaulted property.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of fifty dollars (\$50.00) for each Defaulted property. Subsequent Semi-Annual Registrations of Defaulted properties and fees in the amount of fifty dollars (\$50.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Village's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- (f) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the three-hundred Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the original registration date and shall pay the fifty dollars (\$50.00).

- (g) If the Defaulted mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the Defaulted property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, including but not limited to unregistered periods during the Foreclosure process shall be the responsibility of the Mortgagee at the time initial registration and/or Semi-Annual Registrations were required and are subject to enforcement per this Chapter. If the mortgage on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter, and within ten (10) days of the transfer or sale shall update the existing registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted property. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Village is authorized and empowered to collect on the previous Mortgagee's non-payment of previous fees, fines, and penalties in any lawful manner.
- (h) If the Mortgagee sells or transfers the Defaulted property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter, and within ten (10) days of the transfer, shall register the Defaulted property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the new Owner of the foreclosed property and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted property. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Village is authorized and empowered to collect on the previous Mortgagee's non-payment of previous fees, fines, and penalties in any lawful manner.
- (i) If the Defaulted property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged

for every thirty-day-period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Defaulted mortgage and/or Defaulted property. Registrations delinquent greater than thirty (30) days are also subject to additional fines as described herein.

- (j) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (k) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the mortgage is under Foreclosure or in Default or Defaulted. Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue Foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the Defaulted mortgage, from all the requirements of this Chapter as long as the borrower is in Default.
- (l) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Village.
- (m) If any property is in violation of this Chapter the Village may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (n) Properties registered as a result of this section are not required to be registered again pursuant to the Real Property that is not subject to a mortgage in Default section.

#### **8-14-6: INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN DEFAULT**

- (a) Any Owner of Vacant property located within the Village shall within ten (10) days after the property becomes Vacant, or within

ten (10) days after assuming ownership of the property, whichever is later, register the Real Property with the Village Registry.

- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.
- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of three-hundred dollars (\$300.00) for each Vacant property. Subsequent Semi-Annual Registrations of Defaulted properties and fees in the amount of fifty dollars (\$50.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Village's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the three-hundred dollars (\$300.00) Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the original registration date and shall pay the fifty dollars (\$50.00).
- (e) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, including but not limited to unregistered periods during the time period the property was Vacant shall be the responsibility of the Owner at the time initial registration and/or Semi-Annual Registrations were required and are subject to enforcement per this Chapter. The previous Owner will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Village is

authorized and empowered to collect on the previous Owner's non-payment of previous fees, fines, and penalties in any lawful manner.

- (f) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property. Registrations delinquent greater than thirty (30) days are also subject to additional fines as described herein.
- (g) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (h) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Village.
- (i) If any property is in violation of this Chapter the Village may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (j) Properties registered as a result of this section are not required to be registered again pursuant to the Defaulted mortgage property section.

#### **8-14-7: MAINTENANCE REQUIREMENTS**

- (a) Properties subject to this Chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee and/or Owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Village. Pursuant to a finding and determination by the Village Police, Magistrate or a court of competent jurisdiction, the Village may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Village.

#### **8-14-8: SECURITY REQUIREMENTS**

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the

property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

(c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

(d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Village.

(e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Village Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY \_\_\_\_\_.  
AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_.  
THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_.  
BY TELEPHONE AT \_\_\_\_\_.  
OR BY EMAIL AT \_\_\_\_\_.

(f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation

and shall be subject to enforcement by any of the enforcement means available to the Village. The Village may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

#### **8-14-9: PROVISIONS SUPPLEMENTAL**

Nothing contained in this Chapter shall prohibit the Village from enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

#### **8-14-10: PUBLIC NUISANCE**

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Village.

#### **8-14-11: ADDITIONAL AUTHORITY**

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement officer or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Village from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Village Police, code enforcement officer or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Village Police, code enforcement officer or special magistrate may direct the Village to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.

(d) If the Mortgagee or Owner does not reimburse the Village for the cost of temporarily securing the property, or of any abatement directed by the Village Police, code enforcement officer, or village administrator, within thirty (30) days of the Village sending the Mortgagee or Owner the invoice then the Village may lien the property with such cost, along with an administrative fee as determined in the Village's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Village may pursue financial penalties against the Mortgagee or Owner.

#### **8-14-12: OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this Chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

#### **8-14-13: IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the Village to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

#### **8-14-14: PENALTIES**

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

#### **8-14-15: AMENDMENTS**

Registration and Penalty Fees outlined in this Chapter may be modified by administrative order, passed and adopted by the Village.  
(Ord. 2018-O-27, 04/26/2018)

## CHAPTER 15 REGISTRATION OF RENTAL PROPERTIES

### 8-15-1 PURPOSE AND INTENT

It is the purpose and intent of the Village of Willow Springs to protect the health, safety, and welfare of the Village and to ensure owners and occupants share responsibility to prevent and avoid nuisances in the Village. The purpose of this Chapter is to identify Rental Property in the Village, to ensure that such properties afford tenants a safe and decent place to dwell, and to require Rental Property with substandard conditions to meet and maintain minimum building and housing code standards, exterior maintenance standards, and to reduce criminal activity. The Village Council has determined that requiring that all Rental Properties be registered with the Village and inspected serves these legitimate governmental interests.

### 8-15-2 DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Enforcement Officer** shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Village to enforce the applicable code(s).

**Landlord** shall mean one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a rental unit. Also see Owner.

**Owner** shall mean every person, entity, Landlord, or mortgagee, who alone or severally with others:

- (e) Has legal or equitable title to any rental dwelling, dwelling unit, mobile dwelling unit, building, structure, parcel of land, Vacant or otherwise, including but not limited to, a mobile home park; or
- (f) Has legal care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, Vacant or otherwise, including a mobile home park, in any capacity, including

but not limited to, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

- (g) Is a mortgagee in possession of any such property, or is a mortgagee with actual control of access to the property by any means including, but not limited to, changing locks or putting on a lock box; or
- (h) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property.

The Property Manager shall not be considered the Owner.

**Property Manager** shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

**Rental Property** shall mean any structure or portion of a structure within the Village which is occupied by someone other than the Owner of the real estate for residential or commercial purposes, including but not limited to the following: mobile homes, mobile home spaces, town homes, dormitories, and condominium unit(s), and for which the Owner receives any value or consideration, including but not limited to money, or the exchange of goods or services, regardless of the relationship between lessor and lessee.

### **8-15-3 APPLICABILITY**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Village above and beyond any other State or Village provisions for same.

### **8-15-4 ESTABLISHMENT OF A REGISTRY**

The Village, or its designee, shall establish a registry cataloging each Rental Property within the Village, containing the information required by this Chapter.

### **8-15-5 REGISTRATION OF RENTAL PROPERTY**

- (a) Every Owner of Rental Property shall, prior to permitting occupancy thereof by any person (or, within sixty (60) days of the enactment of

this Ordinance) register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed. A separate registration is required for each Rental Property. Registration shall be required annually becoming due on the anniversary date of the initial obligation to register.

- (b) Registration pursuant to this section shall contain the name(s), direct mailing address, a direct contact name, telephone number, and e-mail address for the Owner, and, if the Owner does not reside within fifty (50) miles of the Rental Property, the name and twenty-four (24) hour contact phone number for the Property Manager. The registration shall also identify the name(s), direct mailing address, a direct contact name, telephone number, and e-mail address for the all persons authorized by the Owner to occupy the Rental Property.
- (c) At the time of initial registration, each registrant shall pay a non-refundable annual registration fee of fifty dollars (\$50.00) for each registration required by this section. Subsequent annual registrations as required by this Chapter are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Rental Properties, (3) and for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Village's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) Any person or other legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- (e) If the Rental Property is sold, the new Owner is subject to all the terms of this Chapter. If the new Owner does not immediately occupy the property, the new Owner shall register the Rental Property or update the existing registration within ten (10) days of the sale. Any and all previous unpaid fees, fines, and penalties at the time initial registration and/or renewal registrations were required and are subject to enforcement per this Chapter. The previous Owner will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Rental Property. The provisions of this section are cumulative with and in addition to other available

remedies. Moreover, the Village is authorized and empowered to collect on the previous Owner's non-payment of previous fees, fines, and penalties in any lawful manner.

- (f) If the Rental Property is not registered, or either the registration fee or the renewal fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the registration fee shall be charged for every thirty-day-period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of Rental Property. Registrations delinquent greater than thirty (30) days are also subject to additional fines as described herein.
- (g) Failure of the Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Village.
- (h) If any property is in violation of this Chapter the Village may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (i) Registration of a Rental Property does not alleviate the Owner from obtaining all required licenses, permits and inspections required by applicable code.

#### **8-15-6 MAINTENANCE REQUIREMENTS**

- (i) Properties subject to this Chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (j) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

- (k) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (l) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (m) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (n) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (o) Failure of the Owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Village. Pursuant to a finding and determination by the Village Police, Magistrate or a court of competent jurisdiction, the Village may take the necessary action to ensure compliance with this section.
- (p) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Village.

#### **8-15-7 PROVISIONS SUPPLEMENTAL**

Nothing contained in this Chapter shall prohibit the Village from enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

#### **8-15-8 ADDITIONAL AUTHORITY**

- (e) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Owner, and may bring the violations before the code enforcement board or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Village from

abating any nuisance or unsafe condition by any other legal means available to it.

- (f) The Village Police, code enforcement officer, or special magistrate shall have the authority to require the Owner affected by this section, to implement additional measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (g) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Village Police, code enforcement officer or special magistrate may direct the Village to abate the violations and charge the Owner with the cost of the abatement.
- (h) If the Owner does not reimburse the Village for the cost of temporarily securing the property, or of any abatement directed by the Village Police, code enforcement officer, code enforcement board or special magistrate, within thirty (30) days of the Village sending the Owner the invoice then the Village may lien the property with such cost, along with an administrative fee as determined in the Village's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Village may pursue financial penalties against the Owner.

#### **8-15-9 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this Chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

#### **8-15-10 IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the Village to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

## **8-15-11 PENALTIES**

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

## **8-15-12 AMENDMENTS**

Registration and Penalty Fees outlined in this Chapter may be modified by administrative order, passed and adopted by the Village.  
(Ord. 2018-O-28, 04/26/2018)