

**Title 8  
BUILDING REGULATIONS**

**Chapter 1**

**BUILDING CODES**

**8-1-1                    ADOPTION OF CODES:**

- A.     Adoption of The International Building Code, 2009 Edition: A certain document, three (3) copies of which are on file in the office of the village clerk, being marked and designated as the international building code, 2009 edition, as published by the International Code Council, Inc., is hereby adopted as the building code of the village for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the international building code, 2009 edition, are hereby referred to, adopted and made a part hereof as if fully set forth in this section.
- B.     Adoption of Additional Codes: The following list of codes is hereby adopted as part of the building code of the village for the control of buildings and structures as therein provided in each code. Each and all of the regulations, provisions, penalties, conditions and terms contained in each code described below are hereby referred to, adopted and made a part hereof as if fully set forth in this section:
1.     International Mechanical Code, 2009 edition.
  2.     International Fuel Gas Code, 2000 edition.
  3.     International Fire Code, 2000 edition.
  4.     International Residential Code, 2009 edition.
  5.     International Electrical Code, 2009 edition.
  6.     The National Electrical Code, 2009 NFPA 70.
  7.     The State of Illinois Plumbing Code, 2009
  8.     International Energy Conservation Code, 2009 edition.
  9.     International Property Maintenance Code, 2009 edition, but excluding in their entirety the following paragraphs: ES-107.2.5, ES-109.2 and ES-111.0 through and including ES-111.3.
  10.    Illinois Accessibility Code ADA 2009 with local amendments

The following provisions shall further apply and shall supersede any and all references listed within the adopted editions:

- A. Building Code Amendments:  
 101.1 Insert the Village of Island Lake  
 903.2.1 Delete 903.2.1 - 903.2.11 and insert the following 903.2.1:  
 New Construction: Automatic sprinkler systems shall be installed in all new commercial and industrial occupancies of one thousand five hundred (1,500) square feet or more, gross building area.

Automatic sprinkler systems shall be installed in all new health care, institutional, education, hotels, motels, dormitories, nonresidential day care, assisted living, high hazard, and bed and breakfast facilities regardless of size. Automatic sprinkler systems shall be installed in accordance with National Fire Protection Association Standard No. 13, 1999 Edition. The system shall also have the approval of the Fire Marshal or designee in respect to design installation and number of zones.

Provide a strobe above the fire department connection for all sprinkler and stand-pipe systems.

Sprinkler hydraulic designs for all NFPA sprinkler systems shall be designed with a minimum of a five (5) pound difference between sprinkler system design including hose requirements and the available water supply. The five (5) pound safety factor shall be applied to the water flow test after any adjustments for seasonal low.

Existing Buildings:

1. If a structure is larger than two thousand five hundred (2,500) square feet gross building area and if the structure is enlarged in any manner, a sprinkler system shall be installed.
2. If any existing structure is enlarged to two thousand five hundred (2,500) square feet or more gross building area, a sprinkler system shall be installed.
3. Interior Alterations: Existing buildings, two thousand five hundred (2,500) square feet or larger gross building area: Interior alterations to an existing structure which are structural or effect any structural member or any part of the structure having a required fire resistance rating and effect ten per cent (10%) or more of the structure shall be evaluated by the Building Commissioner, in conjunction with the Fire Marshal. The Building Commissioner and the Fire Marshal shall determine if fire and life safety have been effected to the degree to necessitate a sprinkler system.
4. Change of Occupancy: When there is a change in use or occupancy of an existing building two thousand five hundred (2,500) square feet or larger gross building area; the Building Commissioner in conjunction with the Fire Marshal shall determine if fire and life safety have been effected to the degree to necessitate a sprinkler system.  
 Sections 903.2.2 - 903.2.11 are not used  
 Section 903.5 Add Floor plans A diagram showing area served by control valves shall be submitted. The same diagram shall be placed in the building adjacent to the system risers.  
 Delete sections 907.2.1 - 907.2.9 and add the following 907.2.1

907.2.1

- a. Fire Alarm Systems in new construction: A fire alarm system shall be installed in all new assembly, business, educational, factory, industrial, high hazard, institutional, mercantile, storage, utility, miscellaneous, health care, hotel, motel, dormitories, nonresidential day care, bed and breakfast facilities, mixed use, and buildings with four or more dwelling units.
  1. The system shall contain automatic detecting devices, manual pull boxes, horn/strobe, and a remote signaling system connected to the Municipal Alarm Panel.
  2. The system shall be designed, installed, and maintained according to National Fire Protection Association No. 72 1999 Edition.
  3. All tamper switches and control valves shall be electronically supervised with the alarm being transmitted to a location approved by the fire official.
  4. All fire alarm systems, including water flow switches, trouble alarms, and supervisory alarms shall transmit an alarm to a location approved by the fire official.
- b. Fire Alarm Systems in Existing Construction: The listed structures and occupancies shall install an approved fire alarm system with a remote signaling connection to the Municipal Alarm Panel. When there is a change of occupancy, or a modification, alteration, or enlargement of the structure. (\*See exception herein.)
  1. Residential - Hotels, motels, lodging homes, dormitories and buildings with four or more dwelling units sharing a common area, assembly, health care, factory, high hazard, institutional, utility, miscellaneous, and mixed uses.
  2. Schools - All schools with more than thirty students in attendance at one time.
  3. Business - All mercantile, industrial or business buildings and any building used for the manufacture, sale or storage of combustible materials.
  4. Day Care Facilities other than Home Day Care.
  5. Mixed occupancies - Any combination of the listed occupancies or combination of those listed with residential occupancies.

Exceptions: In buildings accessory to the principal use on lot and existing buildings of less than two thousand five hundred (2,500) square feet, the Fire Marshal, with the advice of the Building Commissioner, shall determine the extent of compliance necessary to maintain reasonable life safety.

Sections 907.2.2 - 907.2.9 are not used.

1612.3 Insert Village of Island Lake

1612.3 1986

3409.2 1990

Chapter 35 NFPA standards see the Fire Code for the current year of the standards

Appendices Adopt the following appendix A, B, C, H-105, H-106 and H-107.

B. Mechanical Code Amendments:

101.1 Insert the Village of Island Lake

106.5.2 See section on fees

106.5.3 insert 75%

108.4 See penalties section

108.5 See penalties section

C. Fuel Gas Code Amendments:

101.1 Insert The Village of Island Lake

D. International Fire Code Amendments: See Chapter 12

E. International Residential Code Amendments:

101.1 Insert the Village of Island Lake

Ground Snow Load	Wind Speed	Seismic Design Category	Subject to Damage From				Winter Design Temp	Flood Hazard
			Weathering	Frost Line Depth	Termite	Decay		
25	75	C	Moderate	42 inches	moderate to heavy	slight to moderate	-5	See Flood Requirements

3801.1 Insert: All wiring systems which carry 110 volt or larger shall be installed in rigid pipe, intermediate metallic conduit (IMC) or electric metallic tubing (EMT).

Appendices Adopt Appendix A, B, C, G, I, J and K

F. International Electrical Code Amendments: 101.1 Insert the Village of Island Lake. 404.2 See fee section.

G. National Electrical Code Amendments:

H. Illinois Plumbing Code Amendments: No amendments

I. International Energy Code Amendments: No amendments

J. International Property Maintenance Code Amendments:

101.1 Insert the Village of Island Lake

103.5 See fee section

304.14 Insert May 15 and Oct 15

602.3 Insert September 15 and May 15

602.14 Insert September 15 and May 15

### 8-1-3 BUILDING PERMIT REQUIREMENTS AND FEE SCHEDULE

Owner or owner's agent shall apply for a permit for all of the below described construction or work and shall pay the appropriate permit fee at the time of issuance of the permit in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.

- A. Application and Conditions of Permit Issuance: The owner or owner's agent shall apply for a permit for all of the projects described in Title 8 Building Regulations and other projects as described in Title 1 Chapter 16 Section 3, Schedule of Fees of this code, specifically the tables relating to Commercial and Residential Building Permit/Inspection Fees. After approval of the building commissioner, all invoiced fees shall be paid in the amount set forth in Title 1 Chapter 16 Section 3 of this code before the permit will be issued. Fees for Contractor Registration, Business Registration and past due village invoices must be paid before a permit will be issued. If applicable, a Homeowner Association approval must also accompany the permit application. No work shall start before the issuance of the permit.
- B. Specific Permit Circumstances: A permit is required when there is an addition or alteration of a foundation, rough framing, rough plumbing or rough electric. A permit is NOT required for 1) the replacement of plumbing or lighting fixtures if the rough location is not being altered; 2) the replacement or addition of cabinets, countertops, floor covering, painting, insulation, residential driveway sealcoating, or the residential replacement of up to two windows and/or exterior doors; and 3) routine repairs or maintenance done by the property owner; or for retaining walls under 30" high or landscaping when there is no change in water diversion.
- C. Expiration Of Permits: A permit shall expire if the work covered by the permit is not commenced within two (2) months after issuance of the permit or if the work is not completed within twelve (12) months after issuance of the permit, unless an extension is granted by the building department because of delays resulting from strikes, fire, windstorms or other circumstances beyond the applicant's control. In the event that a permit expires, and the permit holder requests an extension he or she must state in writing the purpose and reason the extension should be granted. If granted, the permit will be extended for six (6) months beginning the day after the permit expires. If the project is not completed within the extended time or no such extension is granted the permit holder shall be required to resubmit in its entirety a new application for permit and all fees will be required at that time. No permit fees shall be refunded because of the expiration of any permit.
- D. Permits, False Statements/Misrepresentations: In the event the building commissioner has reasonable cause to believe that a permit was issued based on any false statement or misrepresentation of fact contained in the application for permit or supporting documents, the building commissioner may issue a stop work order for all or any portion of the work covered by the permit. Said stop order may remain in effect until such time as the permit holder:
  - 1. Submits sufficient evidence of the truthfulness or accuracy of the application or supporting documents; or
  - 2. Submits a corrected application or supporting documents.

- E. **Plan Review Fee Schedule:** Prior to issuance of a building permit the owner or owner's agent must submit a copy of the proposed building plans for review by the building department. The owner or owner's agent shall pay a nonrefundable deposit in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code for review of the plans at the time of submittal of the plans for review. The balance due, if any, of the review fee will be applied to the cost of the permit. The fee schedule set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code shall apply to all zoning classifications:

When plans and/or specifications for construction of unusual design and magnitude are submitted, the building department may require the advice and recommendation of a consultant. In such cases the plans for review may be submitted to an outside consultant. The fees for this service will vary and are the responsibility of the applicant.

- F. **Fire Safety Review and Inspection:** When plans and/or specifications for construction or the applicable building code calls for sprinkler systems, fire alarm systems or other fire suppression systems, no building permit shall be issued until and unless such plans and specifications have been reviewed by the applicable fire district or department. No certificate of occupancy for such structures shall be issued until and unless the applicable fire district or department has inspected the sprinkler systems, fire alarm systems or other fire suppression systems as installed and approved the same. All review and inspection fees charged by the applicable fire district or department shall be paid by the applicant directly to such fire district or department, and shall be the sole responsibility of the applicant.

#### **8-1-4 CERTIFICATES OF OCCUPANCY**

- A. **Filing of Unexecuted Certificates of Occupancy:**
1. Prior to the issuance of a certificate of occupancy pursuant to the ordinances of this village, the building commissioner shall file an unexecuted certificate of occupancy with the Lake and/or McHenry County supervisor of assessments. The owner of the property for which said occupancy permit is requested shall obtain from said county supervisor of assessments, in the form prescribed by said official, a receipt showing that the unexecuted certificate of occupancy has been duly filed and that the property is subject to increased assessment from the date of issue of the certificate on a proportionate basis for the year in which the improvement was completed.
  2. The owner of said property shall file said receipt with the building department of this village and the building commissioner shall file a certified copy of the certificate of occupancy, when issued, with the county supervisor of assessments.
- B. **Requirements to Receive Certificate:** No dwelling unit shall receive a temporary certificate of occupancy or a final certificate of occupancy unless:
1. A kitchen has been fully installed including, but not limited to, a stove/oven, sink with all plumbing connected, cabinets and countertops.
  2. All washrooms and lavatories are completed to the approved plans with all plumbing fixtures installed and all plumbing connected to sinks, tubs, toilets, showers and the like. Washrooms do not need to be fully

completed in cellars or basements where approved plans show such facilities as "future" or "roughed in".

3. The code officials shall have authority to determine whether a fully functional kitchen has been installed and all washrooms and lavatories are fully functional under this provision of this code.

*Approved 3/22/12; Revised 10/16/2016*

#### **8-1-5 OWNER TRANSFER INSPECTION**

No later than seven (7) days prior to the transfer of ownership of any real estate property within the village, the transferor shall schedule an inspection of the property with the Building Department. Violations of code requirements as adopted by the village will be noted and if a re-inspection is required, an additional inspection fee must be paid before the closing. A Certificate of Compliance will be issued for an inspection which has passed before closing. If the property is being sold "as is" the buyer will be required to submit a letter of intent representing that the violations will be corrected within 90 days of closing and a re-inspection shall be scheduled with the Building Department. See Section 1-16-3 for the required inspection fee.

#### **8-1-6 PAYMENT FOR ALL ENGINEERING AND THIRD PARTY INSPECTIONS**

- A. Any time that the building commissioner determines that it is in the best interests of the village that a particular inspection as required by the codes previously adopted in section [8-1-1](#) of this chapter be performed by another party other than the building commissioner, the building commissioner shall then take all reasonable steps necessary to effect and complete the inspection by the party designated by him.
- B. It shall be the responsibility of the owner of the property being inspected to pay all costs incurred in completing the inspection. Payment of the cost incurred by the village in undertaking the inspection shall be made in accordance with the provisions contained in the applicable codes previously described in section [8-1-1](#) of this chapter.

#### **8-1-7 GARAGES**

- A. Residential: In residentially zoned areas a single attached or detached garage, but not both, may be constructed. Attached garages shall be on footings in conformance with the requirements for residential structures, and detached garages may be constructed on footings or on a concrete slab. Attached garages shall conform to the setback lines for the residential zone in which the lot is located.
- B. Requirements for Detached Garages: The ground area of detached garages shall not exceed five hundred seventy six (576) square feet or fifty percent (50%) of the first floor improved living space, whichever is more. Detached garages shall be separated from the principal structure by at least ten feet (10'). Side yard setbacks shall be at least four feet (4') from the side lot line on interior lots except that on corner lots the setback shall be ten feet (10') from the street side lot line.
- C. Detached Garage: No detached garage shall be constructed closer to any adjoining street than the principal building or residence, except that a detached garage may be build closer to the adjoining street than the principal building or

residence only on those properties with frontage on the body of water known as Island Lake. All other building requirements of this code shall apply.

- D. Setbacks on Property near Waterways: No building or structure (except boat docks and piers) shall be erected within twenty five feet (25') of any waterway. For purposes of this subsection, a waterway shall include any lake, river, stream or pond including any area or lot platted, designed or used for the retention of storm water. The twenty five foot (25') setback required hereby shall be measured from the closest point of the structure to the mean high water level of the waterway.
- E. Temporary Structures: Temporary garages or storage structures are prohibited.

*Approved 3/12/12*

### **8-1-8 RESIDENTIAL ACCESSORY STRUCTURE**

One accessory structure shall be allowed in districts zoned residential, and said structure shall not exceed twelve feet (12') in length, twelve feet (12') in width and ten feet (10') in height. Such structures shall be separated from the principal building by at least ten feet (10'). Side and rear yard setbacks shall be at least four feet (4') except on corner lots where the side yard setback shall be at least ten feet (10'). No such structure shall encroach on any municipal or utility easement. The setback restrictions for waterway property in subsection 8-1-7D of this chapter shall apply to accessory structures.

No accessory structure shall be constructed closer to any adjoining street than the principal building (or residence).

Written approval is required from any applicable homeowner association. A plat of survey and construction plans with the required list of materials shall be submitted with the permit application. Pre-manufactured structures and anchoring methods must be installed per manufacture specifications and approved by the state testing agencies for the intended use. If concrete is used the pad must be 4" thick and foundation columns must be installed at least 42" deep. Materials in contact with the ground must be rot resistant. Final approval of construction and materials will be made by the building official.

### **8-1-9 RESIDENTIAL DRIVEWAYS**

- A. Driveway Construction: Bituminous drives shall be constructed on a solid, thoroughly compacted subgrade. The paved section shall consist of six inches (6") of compacted CA6 grade #9 gravel base, or equal and at least two inches (2") of class I bituminous paved surface. The paved surface may also consist of minimum of four inches (4") of concrete on a four inch (4") CA6 grade #9 gravel base, or equal. The concrete shall be a six (6) bag mix, meeting the standards of type X concrete. The driveway must be graded in such a manner that it will drain from the lot line to the storm water drainage system if at all possible. Brick drives require building department approval.
- B. Public Works Approval: The public works department requirements must be met for all conditions pertaining to residential driveways that are to be on village rights of way. These requirements include, but are not limited to, culvert requirements, drainage, and sawcutting at road edge. In certain cases, the direction of the village engineer may be needed. In such cases, the costs incurred will be borne by the applicant.
- C. Size Restrictions:



1. The maximum width of any driveway from its intersection with the street to a point equal to one-half ( $\frac{1}{2}$ ) of the total length of the driveway, shall be twenty four feet (24').
  2. The maximum width of any driveway, including any parking areas alongside a garage, from a point at one-half ( $\frac{1}{2}$ ) the total length of the driveway to the end of the driveway furthest from the street shall be thirty four feet (34').
- D. Special Conditions:
1. Completion time to pave new driveways shall be three (3) months from the date of the expiration of the building permit for the residence or other primary structure.
  2. No stand-alone parking areas are permitted on village rights of way.
  3. Preexisting gravel driveways must be resurfaced with asphalt, concrete or brick within six (6) months of the sale of the property.

#### **8-1-10 PENALTY**

Any person violating any of the provisions of this chapter shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day such violation is committed or is permitted to continue shall be constituted as a separate offense and shall be punishable as such hereunder. Permit fees for any work that is performed without a permit shall be double the amount.

*Approved 3/22/12; Revised 4/10/14*

#### **8-1-11 APPEALS**

- A. Right of Appeal: Any person shall have the right to appeal a decision of the code official to the board of appeals. The means of appeal shall be as provided hereunder, notwithstanding any contrary provisions in any building codes that are adopted by reference. An application for appeal shall be based on a claim that the true intent of this code or the rules adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method of construction, fire prevention, etc., is used. The application shall be filed on such forms as may be approved by the code official. The application for appeal shall be accompanied by a deposit for fees of retained personnel, such fees to be determined by the code official upon application.
- B. Board: Pursuant to state statute, the zoning board of appeals shall be the body authorized to hear and decide appeals under this chapter.
- C. Procedure: The board of appeals' initial review shall be on the basis of the documents submitted by the appellant and by any other interested parties. The chairman shall circulate such materials to each board member and solicit their comments and decision. The board shall conduct an open hearing on the appeal. All such hearings shall be open to the public. The appellant, the appellant's representative, and any person whose interests are affected shall be given an opportunity to be heard. The board may adopt, in addition to the foregoing, any other procedures or rules concerning appeals and hearings that it may deem fit.
- D. Board Decision: The board may affirm, modify, or reverse the decision of the code official or any requirements of the building code. The board shall issue its decision in writing.

**8-1-12****VACANT BUILDING AND PROPERTY REGULATIONS:**

- A. Declaration of Policy: The purpose of this section 8-1-12 is to protect the public health, safety, and welfare by enactment of this section which:
1. Establishes a program for identification, registration, and regulation of buildings which are or become vacant on and after the effective date of this section 8-1-12.
  2. Determines the responsibilities of owners of vacant buildings.
  3. Provides for administration, enforcement, including abatement of public nuisances, and imposition of penalties.

This section 8-1-12 shall be construed liberally to affect its purposes.

- B. Other Ordinances: This section 8-1-12 shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.
- C. Definitions: Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this section 8-1-12, have the meanings indicated in this section:

**BOARDED BUILDING:** A building which has had, in a manner intended to be temporary or permanent, any or all openings, which openings are windows or doors which were present for the purpose of light, ventilation or egress, some material whether opaque, solid or transparent, affixed to such openings, from the interior or exterior of the building, for the purpose of securing or preventing access or damage to the building or its components

**BUILDING:** Any structure occupied or intended for supporting or sheltering any occupancy.

**CODE ENFORCEMENT OFFICIAL:** The Code Enforcement Official or his or her designee.

**DANGEROUS BUILDING:** A building defined as a "dangerous building" in the village building code, as it may be amended. Such buildings are public nuisances.

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

**PERSON:** Includes a corporation, a partnership, or other entity as well as an individual.

**PREMISES:** A lot, plot, or parcel of land including any structure thereon.

**PUBLIC NUISANCE:** Includes the following:

1. The physical condition, or uses of any building regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this code; or
2. Any physical condition, use or occupancy or any building or its appurtenances considered an attractive nuisance to children, including,

but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

3. Any building which has unsanitary sewerage or plumbing facilities; or
4. Any building designated by the Code Enforcement Official as unsafe for human habitation or use; or
5. Any building which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure as to endanger life, limb or property; or
6. Any building which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
7. Any building that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; open or vacant and the doors, windows, or other openings are boarded up or secured, by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises; or
8. Any building defined as a "dangerous building" by section 8-1-12 of this code, as it may be amended.

**UNOCCUPIED BUILDING:** A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Code Enforcement Official pursuant to authority granted to him by this code in determining whether a building is "unoccupied", the Code Enforcement Official may consider these factors, among others:

1. A building at which substantially all lawful residential or business activity has ceased.
2. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units shall be considered.
3. The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
4. The building lacks utility services, i.e., water, sewer, electric or natural gas.
5. The building is the subject of a foreclosure action.
6. The building is not actively for sale as part of a contractual agreement to sell the building, the building lacks "for sale", "for rent" or similar signage.
7. The presence or recurrence of uncorrected code violations.

**VACANT BUILDING:** A building or portion of a building which is:

1. Unoccupied and unsecured; or
2. Unoccupied and secured by boarding or other similar means; or

3. Unoccupied and a dangerous structure; or
4. Unoccupied and condemned by the Code Enforcement Official pursuant to applicable provisions of this code; or
5. Unoccupied and has multiple code violations; or
6. Unoccupied and the building or its premises has been the site of unlawful activity within the previous six (6) months; or
7. Condemned by the Code Enforcement Official and unlawfully occupied; or
8. Unoccupied for over one hundred eighty (180) days and during which time the Code Enforcement Official has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or
9. Unoccupied for over two (2) years.
10. An "abandoned residential property," as defined in 65 ILCS 5/11-20-15.1 as a residential dwelling unit that has been unoccupied by any lawful occupant or occupants for at least 90 days, and for which after such 90 day period the village has made good faith efforts to contact the legal owner or owners of the property or, if known, the agent of the owner, and no contact has been made.

But not including:

Unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

- D. Determination: Within sixty (60) days after the effective date of this section 8-112, the Code Enforcement Official shall evaluate all buildings in the village he believes to be unoccupied on the effective date of this section 8-1-12 and make a determination for each as to whether the building is a "vacant building" within the meaning of section 8-1-12C of this code. The Code Enforcement Official may determine that a building which meets any of the criteria set forth in this section is not to be regulated under this section 8-1-12 for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that regulation of the building under this section 8-1-12 would not serve the public health, welfare, and safety and makes written findings in support of his decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the Code Enforcement Official determines to be "vacant buildings", notice of the determination will be sent to the last taxpayer of record listed on the most recent Lake or McHenry County tax roll. The notice of determination shall be sent first class United States mail. Failure of delivery shall not excuse a person from complying with this section 8-1-12. The Code Enforcement Official may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The Code Enforcement Official shall maintain a record of such mailing for each notice of determination sent.

The notice shall specify a date and time on which the owner shall allow for a code compliance inspection of the interior of the vacant building to determine the extent of compliance with village property, building codes, health, fire, water and sewer codes. The owner shall pay an inspection fee in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code to the

village within thirty (30) days of the inspection. An unpaid fee shall be a lien upon the premises.

The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration form the owner is required to file pursuant to section 8-1-12F of this code, and a notice of the owner's right to appeal the Code Enforcement Official's determination.

- E. Appeal of Determination: An owner of a building determined by the Code Enforcement Official to be a vacant building as provided for in this section 8-1-12 may appeal that determination to the village board. Such appeal shall be in writing and shall be filed with the village board within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register his building as required by Section 8-1-12F of this code.
1. The burden is upon the owner to present sufficient evidence to persuade the village board that had the evidence been known to the Code Enforcement Official at the time the Code Enforcement Official made the determination, the Code Enforcement Official would more likely than not have determined that the subject building was not a "vacant building" within the meaning of this section 8-1-12.
  2. The village board shall send written notice of his decision to the owner within ten (10) days of his or her receipt of the appeal. The village board may, but is not required to, seek additional information from the owner. The village board may, upon written notice thereof to the owner, take no more than ten (10) additional days, to decide the appeal if he or she determines that such additional time is required for consideration of the appeal.
  3. An owner who wishes to challenge applicability of this section 8-1-12 to his/her building without the Code Enforcement Official's determination having been made, shall set forth specific facts to support nonapplicability in a writing to the Code Enforcement Official. In the event the Code Enforcement Official determines that the subject building is a "vacant building", the owner shall have the right to appeal the Code Enforcement Official's determination to the village board as provided for herein.
- F. Obligation To Register: The owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a "vacant building" within the meaning of this section 8-1-12 after the effective date of this section 8-1-12 or the owner of a building, which the Code Enforcement Official determines at any time to be a "vacant building", or the owner of a building whose appeal from the Code Enforcement Official's determination has been denied by the village board shall take the actions provided for in this section within fifteen (15) days after either the date of the Code Enforcement Official's notice of determination or occurrence of the facts which would cause a reasonable person to believe that the building was a "vacant building", or denial of the appeal, whichever is applicable. Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this section, nor does it preclude any of the actions the village is authorized to take pursuant to this section 8-1-12 or elsewhere in this code.
1. Registration Requirements:
    - a. Register the building with the Code Enforcement Official, on a form provided by the Code Enforcement Official and pay an annual non-prorated vacant building registration fee in the amount

set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal interest in the building or the premises. The form shall require the owner to identify a natural person twenty one (21) years of age or older who maintains a permanent address in Lake or McHenry County, Illinois, to accept service on behalf of the owner with respect to any notices the Code Enforcement Official sends pursuant to this section 8-1-12 or service of process in any proceeding commenced to enforce any provision of this section 8-1-12, and file with the Code Enforcement Official on the registration form, the name, address, telephone number, of said person. A street address is required. A post office box is not an acceptable address.

- b. Renew the vacant building registration each year on the anniversary date of the first filing for the time the building remains vacant and pay the required annual registration fee; and
- c. File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

- 2. Notice; Inspection: The form shall require the owner to indicate his or her "acceptance of notice by posting" consenting to service of notices sent or required to be sent, pursuant to this section 8-1-12, by posting on the building if the owner fails to renew the registration if required, or maintain as current with the Code Enforcement Official the information required regarding the person designated to accept notice and service of process.

The owner shall allow for a code compliance inspection of the interior of the vacant building and shall pay the inspection fee therefore within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with village property, building codes, health, fire, water and sewer codes. The village shall send the inspection report to the owner within thirty (30) days.

- 3. Insurance: Obtain liability insurance and maintain such insurance for as long as the building is vacant, and file evidence of such insurance with the Code Enforcement Official, as follows: five hundred thousand dollars (\$500,000.00) for a vacant residential building of one to three (3) units; seven hundred fifty thousand dollars (\$750,000.00) for a vacant residential building of four (4) to eleven (11) units; one million dollars (\$1,000,000.00) for a vacant residential building of twelve (12) to forty eight (48) units; two million dollars (\$2,000,000.00) for a vacant residential building of more than forty eight (48) units; and two million dollars (\$2,000,000.00) for a vacant manufacturing, industrial, storage, or nonresidential commercial building.
- 4. Vacant Building Plan: At the time a building is registered as required herein, the owner shall submit a vacant building plan. The Code Enforcement Official may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this section 8-1-12, the Code Enforcement Official may determine the plan. The plan shall contain the following as a minimum:

- a. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the Code Enforcement Official and available from the Code Enforcement Official. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Code Enforcement Official may waive the requirement of an enclosure.
  - b. For buildings and premises thereof which are determined by the Code Enforcement Official as being or containing public nuisances, as defined in section 8-1-12C of this code, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).
  - c. A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the Code Enforcement Official.
  - d. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.
  - e. A plan of action to maintain the building and premises thereof in conformance with this section 8-1-12.
  - f. A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability. No plan which provides for compliance with this section 8-1-12 or, which will not, as determined by the Code Enforcement Official, achieve such compliance, within six (6) months, in the case of a vacant boarded building, and two (2) years, in the case of a vacant, unboarded, and code compliant building will be approved.
  - g. All premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with this code.
  - h. Exterior lighting according to standards established by the Code Enforcement Official and available from the Code Enforcement Official.
5. Security Guard Service: On written notice of the Code Enforcement Official, provide bonded, licensed, and insured security guard service at the building between the hours of three o'clock (3:00) P.M. and eight o'clock (8:00) A.M. Such service to remain in place until the Code Enforcement Official gives written notice that the service is no longer required. Such service shall be required when the Code Enforcement Official makes a written determination that the vacant building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that boarding and securing the building are insufficient to prevent the actual or threatened harm.

6. Approval of Plan.
  - a. Review Building Plan: The Code Enforcement Official shall review the proposed vacant building plan in accordance with the standards below. The Code Enforcement Official shall send notice to the owner of the vacant building of his determination.
  - b. Standards For Plan Approval: In considering the appropriateness of a vacant building plan, the Code Enforcement Official shall include the following in his or her consideration and shall make written findings as to each:
    - (1) The purposes of this section 8-1-12 and intent of the village to minimize the time a building is boarded or otherwise vacant.
    - (2) The effect of the building and the proposed plan on adjoining property.
    - (3) The length of time the building has been vacant.
    - (4) The presence of any public nuisances on the property.
    - (5) The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.
7. Authority to Modify Plan, Right of Appeal. The Code Enforcement Official shall, upon notice to the vacant building owner, have the right to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this section 8-1-12 he or she deems necessary to protect the public health, safety, or welfare.
8. Failure to Comply With Plan. Failure to have an approved plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this section 8-1-12 subjecting the owner of the building to penalties as provided in this section 8-1-12 and to any remedies the village may avail itself of as provided for herein and elsewhere in this code, including, but limited to, an action to compel correction of property maintenance violations.

#### G. Other Enforcement:

1. The registration of a vacant building shall not preclude action by the village to demolish or to take other action against the building pursuant to other provisions of this section 8-1-12, this code, or other applicable legislation, including the activities authorized by subsection H.
2. This section 8-1-12 is not intended to take the place of enforcement rights or maintenance responsibilities of a condominium association, homeowner association, or town home association under a private declaration of covenants. In cooperation with these associations, the village agrees to provide notice to an association when a building within the association's jurisdiction has been registered as a vacant building under subsection F.

#### H. Property Maintenance:

1. Nuisance Abatement. The village is authorized to perform or provide for property maintenance activities to abate a nuisance caused by a vacant building, including the following:
  - a. Cutting and removal of neglected weeds, grass, trees, and bushes as authorized by section 5-3-1 of this code and 65 ILCS 5/11-207;
  - b. Pest control activities, as authorized by 65 ILCS 5/11-20-8;



- c. Removal of infected trees as authorized by section 4-2-1 of this code and 65 ILCS 5/11-20-12;
  - d. Removal of garbage, debris, and graffiti as authorized by section 5-2-1 of this code and 65 ILCS 5/11-20-13, and
  - e. Removal, securing, and enclosing abandoned residential properties, as authorized by 65 ILCS 5/11-31-1.01.
2. Charges for Nuisance Abatement. The Village shall have the authority to collect from the property owner the costs incurred in performing the property maintenance activities to abate the nuisances described in this subsection 8-1-12H. The Village shall send a bill for the cost to the property owner, his agent, legal representative, or occupant in legal possession or control of the premises.
3. Traditional Lien Procedure. If a bill sent pursuant to paragraph 2 is not paid in full within 30 days of the date of the bill, the village shall have the authority to file and record a lien against the property, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the village engaged in any nuisance abatement activity described in paragraph 1 on more than one occasion during the course of one year, then the village may combine any or all of the costs of those activities into a single notice of lien. The lien must be filed in accordance with the lien procedure established by the specific Code provision of which the property is alleged to be in violation or, if no such procedure exists, then the following procedure shall apply
- a. Notice of Lien. The village or the person performing the service by authority of the village, in its, his or her own name, may file a notice of lien in the office of the recorder of deeds in the Counties in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred. If, for any one property, the village engaged in any nuisance abatement activity described in paragraph 2 on more than one occasion during the course of one year, then the village may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

- (1) A description of the real estate that sufficiently describes the parcel;
- (2) The amount of the cost and expense incurred or payable for the activities; and
- (3) The date or dates when such cost and expense was incurred by the village or someone working on behalf of the village.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

- b. Release of Lien. Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.
- c. Foreclosure of Lien. Subsequent to the filing of the above-described lien, the village may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the village may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this section must be commenced within two years after the date of filing notice of lien. The property subject to a lien arising under this article shall be sold for

nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the village.

4. Priority Lien Procedure. The priority lien procedure described in this paragraph 4 shall apply only to costs incurred for activities performed on abandoned residential properties, as defined in subsection 8-1-12C and is an alternative to the traditional lien authorized by paragraph 3. If a bill sent pursuant to paragraph 2 is not paid in full within 60 days of the date of the bill, the village shall have the authority to file and record a priority lien against the property, pursuant to section 11-20-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-20-15.1, in the following manner:

- a. Notice of Lien. The village or the person performing the service by authority of the village, in its, his or her own name, may file a notice of a priority lien in the office of the recorder of deeds in the Counties in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred. If, for any one property, the village engaged in any nuisance abatement activity described in paragraph 2 on more than one occasion during the course of one year, then the village may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

- (1) A description of the abandoned residential property that sufficiently describes the parcel;
- (2) The amount of the cost incurred or payable for the activities; and
- (3) The date or dates when such cost was incurred by the village or someone working on behalf of the village; and
- (4) A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in paragraph 2 and authorized by 65 ILCS 5/11-20-7D, 65 ILCS 5/11-20-8D, 65 ILCS 5/11-20-12D, 65 ILCS 5/11-2013E, 65 ILCS 5/11-31-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year

The village may not file a lien if the lender has provided notice to the village that the lender has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within 30 days of the lender's notice to the village.

- b. Recordkeeping. To enforce a lien pursuant to this paragraph 4, the village must maintain contemporaneous records that include, at a minimum:
  - (1) a dated statement of a finding by the village that the property has become abandoned residential property;
  - (2) the date when the property was first observed to be unoccupied by any lawful occupant;
  - (3) a description of the actions taken by the village to contact the legal owner of the property, or if known, any agent of the owner;
  - (4) a statement that no contacts were made with the legal owner or, if known, any agent of the owner;
  - (5) a dated certification by a village official of the necessity and specific nature of the work performed;
  - (6) a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;
  - (7) detailed invoices and payment vouchers for the work;
  - (8) a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

- c. Release of Lien. Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.
  - d. Enforcement of Lien. A lien under this paragraph 4 is enforceable by the village, or entity or person who performs work on behalf of the village, at the hearing for confirmation of the foreclosure sale of the abandoned residential property and is limited to a claim of interest in the proceeds of the sale. The priority lien is superior to all other liens and encumbrances, except tax liens.
- I. Certification: A certificate of code compliance for vacant buildings issued by the Village and payment in full of all fees imposed pursuant to this section 8-1-12 are required prior to any occupancy of a vacant building.
- J. Boarding of Buildings: It is the policy of the Village of Island Lake that boarding is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant building may not remain boarded longer than six (6) months unless an extension of that time is part of a plan approved by the Code Enforcement Official. A vacant building which is unboarded and code compliant and for which boarding is determined by the Code Enforcement Official on the basis of police reports, citizen complaints, and other information of other type considered reliable by reasonable persons, to not require boarding to prevent unauthorized entry may not remain vacant for more than two (2) years without an approved plan for occupancy, sale, demolition, or other disposition of the building.
- K. Enforcement and Penalties:
  - 1. Any person found to have violated any provision of this section 8-1-12 shall be subject to in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code, in addition to any other legal or equitable remedies available to the village. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the village may have thereon.
  - 2. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this section 8-1-12.
  - 3. Nothing herein contained shall prohibit the village from immediately condemning as provided for in this code a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

### **8-1-13 ROOFS**

A complete tear off of the existing roof will be required for all roofs before a new roof and roofing materials are applied and commercial flat roofs will require evaluation by a certified roofing contractor before an end layer can be applied.

## Chapter 2

### FENCES

#### 8-2-1 DEFINITIONS

**CORNER LOT:** Any lot that abuts each of two (2) intersecting roadway rights of way. A corner lot is considered to have two (2) front lots, one on each intersecting roadway right-of way.

**FENCE:** Any structure forming a barrier or enclosure composed of manufactured or processed materials.

**FRONT YARD:** The area between side lot lines from the closest point of the house or building to the abutting roadway right of way.

**HEIGHT:** The distance measured from the surface of the ground to the highest point of the fence along the entire fence line.

**OPEN SURFACE:** That percentage of the fence area encompassed by the area between the ground and the highest point of the fence, multiplied by its total length, not occupied by the materials by which the fence is constructed.

**REAR YARD:** The area between the side lot lines as measured from the rear line of the house or building to the rear property lot line. Rear lot line shall be the lot line furthest from any abutting roadway right of way. Yards abutting a waterway shall be deemed not to have a "rear yard" for purposes of this chapter.

**SIDE YARD:** The area between the side lot line and the house or building as measured from the front line of the house or building to the rear line of the house or building.

**WATERWAY:** Any lake, river, pond, channel, bay or stream.

#### 8-2-2 PERMITS REQUIRED

- A. Repair or Construction Permit Required: A building permit is required for the construction, erection or repair of any fence in "substantial disrepair" (as defined in section [8-2-5](#) of this chapter), and for the construction or erection of any new fence. Permits shall be obtained from the Building Department.
- B. Permit Requirements: The following requirements must be met prior to the issuance of a fence permit:
  1. Submit completed building permit application.
  2. Submit plat of survey showing location of proposed fence thereon.
  3. Submit sketch of proposed fence and description of building materials therefor.
- B. Permit Fees: Permit fees shall be in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.
- D. The fact that a building permit has been issued for any fence shall not relieve the holder thereof of responsibility for compliance with provisions of this chapter of the

requirements of any other ordinance applicable thereto at the time that said fence was constructed or repaired.

- E. Decorative Landscaping Fence: A permit shall be required for construction or erection of a decorative landscaping fence. A "decorative landscaping fence" is defined as a fence consisting of not more than two (2) sections of split rail or timber fencing, each section of which shall not exceed ten feet (10') in length and not more than four feet (4') in height for the vertical members. Each horizontal or vertical member may not exceed eight inches (8") in width or diameter, and no decorative landscaping fence may be constructed with pickets, latticework or other nonstructural types of materials impeding visibility through the fence. There shall be no setback requirement except no decorative landscaping fence shall be located off the owner's property or between any publicly used sidewalk and street, whether or not said area is owned by the fence owner.

### **8-2-3 PROHIBITED OR RESTRICTED FENCES**

- A. Any fences or portions thereof of the stockade or solid faced type are prohibited, except that a solid faced fence other than stockade may be erected on that side of residentially zoned property facing and/or abutting any commercially or industrially zoned property or an alley abutting such commercially or industrially zoned property.
- B. Barbed wire, barbs or sharp protrusions, or any electric charge security fences may be considered by the corporate authorities only upon proper application therefor.
- C. Two inch by four inch (2" x 4") welded wire, field wire, chicken wire, landscape type wire, and other similar materials are prohibited.

### **8-2-4 CONSTRUCTION REQUIREMENTS**

Fences must be constructed so that the posts and other supporting members face to the interior of the owner's lot. (This side is referred to as the "rough" side.) The finished or dressed side shall face away from the property on which the fence is constructed. This restriction shall not apply in the case of a fence erected on that side of residentially zoned property facing and abutting any commercially or industrially zoned property or an alley abutting such commercially or industrially zoned property.

### **8-2-5 EXISTING FENCES**

No fence existing prior to the effective date of this chapter may hereafter be extended or altered without a permit having been secured therefor. All alterations or extensions must comply with the provisions of this chapter. Normal maintenance shall be allowed on such preexisting fences without securing a permit. However, fences in substantial disrepair (defined as a fence which requires repair or replacement of 50 percent or more of the materials of which it is constructed) may not be maintained, repaired, restored or altered except upon issuance of a permit therefor in conformity with the provisions of this chapter. Fences in substantial disrepair as defined herein shall be repaired, pursuant to the foregoing, or improved within ten (10) days after receipt of notice to do so by the Building Department.

### **8-2-6 MAINTENANCE**

Fences shall be maintained in good condition as determined by the Building Department. The owner shall repair or replace the fence which is determined to be in disrepair upon ten (10) days' notice to do so from the Building Department.

**8-2-7 FENCE RESTRICTIONS**

- A. All Fences: All fences shall be of the open-face type and must have at least a thirty percent (30%) "open surface", as defined herein.
- B. Height and Other Restrictions:
  - 1. Rear Yards: No fence located in the rear yard of a lot shall exceed six feet (6') in height.
  - 2. Side Yards: No fence located in a side yard shall exceed four feet (4') in height.
  - 3. Front Yards: No fence located in a front yard shall exceed four feet (4') in height.
  - 4. Yards Fronting Upon Waterway (Waterfront Lots): No waterfront lots shall have any fence erected thereon which exceeds four feet (4') in height.
  - 5. Roadway: No fence may be erected within twenty five feet (25') of any roadway right of way or within thirty feet (30') of the intersection of any roadway right of way.
  - 6. Property Abutting the Waterway: No fence may be erected within twenty five feet (25') of any waterway. Such measurement shall be made from the nearest point of the fence to the mean high water level of the waterway. "Waterways", as such term is used herein, include any area or lot platted, designated or used for the retention or detention of storm water.
  - 7. Easements: No fence may be erected on or over any portion of any property that is subject to a defined easement running to a third party, including, but not limited to, utility easements, municipal easements, conservation district easements, army corp of engineers' easements, and the like. However, if written permission from the holder of the easement is obtained, the provisions of this subsection B7 shall not apply.
- C. Construction Restrictions: No fence may be constructed or maintained on any berm, embankment or other manmade ridge or elevation of the ground where the maximum elevation of same is two feet (2') or more over the average elevation of the surrounding land within a twenty foot (20') radius.
- D. Fence Posts: All fence posts shall be at least 42" in depth except for decorative fences, which shall have a posthole depth of not less than two feet (2').

**8-2-8 PENALTY**

Any person violating the provisions of this chapter shall have ten (10) days from the date of written notification by the building department or representative of the village to remedy such violation. "Notice", as used in this chapter, shall be deemed given if written notice of the violation is mailed or personally served upon the owner or occupant of the lot or lots in violation. The owner and the occupant shall be equally liable for any violations of this chapter. Any person who violates any of the provisions of this chapter shall be fined in accordance with the general penalty provisions contained in section 1-41 of this code. Each day such violation continues shall be deemed a separate offense.

In addition to the foregoing penalty provisions, all fences erected, repaired or maintained in violation of the provisions of this or any other ordinance applicable thereto shall be deemed a nuisance, and may be abated or enjoined as in the case of other nuisances.

**Chapter 3**

**RESERVED**



## Chapter 4

### EROSION AND SEDIMENTATION CONTROL

#### **8-4-1 PURPOSE**

- A. Excessive quantities of soil are eroding from areas that are undergoing development for certain nonagricultural uses, including but not limited to, the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, and the creation of recreational facilities.
- B. The washing, blowing and falling of eroded soil across and upon roadways endangers the health and safety of users thereof by decreasing vision and reducing traction of road vehicles.
- C. Said soil erosion necessitates the costly repairing of gullies, washed-out fills and embankments.
- D. The sediment from said soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes and reservoirs.
- E. Said sediment limits the use of water and waterways for most beneficial purposes, destroying fish and other aquatic life, and sediment is costly and difficult to remove.
- F. The mayor and board of trustees of the village therefor declare that the purpose of this chapter is to provide minimum standards to safeguard persons, to protect property and prevent the despoliation of the environment, and to promote the public welfare, by regulating and controlling the design, construction, quality of materials and use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the village.

#### **8-4-2 DEFINITIONS**

For the purpose this chapter, certain terms used herein as set forth below

**BUILDING PERMIT:** A permit issued by the village for the construction, erection or alteration of a structure or building.

**CERTIFY or CERTIFICATION:** The specific inspections and tests where required have been performed, and such tests comply with the applicable requirements of this chapter.

**CUBIC YARDS:** The amount of material in excavation and/or fill measured by the method of "average end areas".

**ENGINEER:** A registered engineer of the State of Illinois.

**EXCAVATION:** Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

**EXISTING GRADE:** The vertical location of the existing ground surface prior to excavation or filling.

**FILL:** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

**GRADING:** Excavation or fill or any combination thereof and includes the conditions resulting from any excavation or fill.

**LAND SURVEYOR:** A registered surveyor of the State of Illinois.

**PARCEL:** All contiguous land in one ownership.

**PERMITTEE:** Any person to whom a site development permit is issued.

**PERSON:** Any person, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

**REMOVAL:** Cutting vegetation to the ground or stumps, complete extraction or killing by spraying

**SITE:** A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

**SITE DEVELOPMENT:** Altering terrain and/or vegetation, constructing driveways, or performing any other construction upon or making any other material changes in a land site.

**VACANT:** Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

**VILLAGE:** The Village of Island Lake, Counties of Lake and McHenry, Illinois.

### **8-4-3 HANDBOOK ADOPTED**

The standards and specifications of "Standards and Specifications for Soil Erosion and Sediment Control in Northeastern Illinois, First Edition", as compiled by the Lake and McHenry Soil and Water Conservation District and approved by the village, are hereby incorporated into this chapter and made a part hereof by this reference, for the purpose of delineating procedures and methods of operation under development plans approved in this chapter. In the event of conflict between provisions of the handbook and other provisions of this chapter, the said provisions of this chapter shall govern.

### **8-4-4 GENERAL CRITERIA, STANDARDS AND PROVISIONS**

A. The following general principles shall apply to any movement of earth and any sedimentation and erosion control plan and the granting of a permit for the execution of said plan as hereinafter provided:

1. The smallest practical area of land shall be exposed at any given time during development.
2. Such minimum area exposure shall be kept to as short a duration of time as is practical.
3. Temporary vegetation or, where appropriate, mulching or other nonviable cover shall be used to protect areas exposed during development.
4. Sediment basins, debris basins, desilting basins, or silt traps shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
5. Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. Permanent, final plant covering or structures shall be installed as soon as possible.
7. The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.
8. Natural plant covering shall be retained and protected so far as is consistent with developing the site.

B. Applicability to Grading Operations: All earth moving grading and grading operations not specifically exempted by the provisions of this chapter shall comply with the applicable standards and requirements set forth in the sections [8-4-3](#), [8-4-5-5](#) and [8-4-8](#) in addition to the other requirements of this chapter.

C. Landscaping:

1. Notwithstanding any provision of this chapter to the contrary, before a certificate of occupancy is issued with respect to a new residence, the front and side yards of such residence must be landscaped in one of the three (3) following manners:
  - a. Black dirt spread and seeded with grass.
  - b. Black dirt spread and hydroseeded for grass.
  - c. Black dirt spread and sodded.
2. The back yard of the subject new residence, as part of the obligation to landscape, must be rough graded before an occupancy certificate is issued.
3. Landscaping Bond Requirement: Said application for a building permit shall be accompanied by a deposit in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code, or in a negotiable instrument which can be readily converted to cash, such as a cashier's check or bank draft.
4. Such deposit shall be returned to the applicant upon compliance with the landscaping provisions.

- D. Nuisances: This chapter shall not be construed as authorizing any person to maintain a private or public nuisance upon their property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

**8-4-5 PLAN AND PERMIT**

**8-4-5-1 PERMIT REQUIRED**

A. Before land is cleared, filled in, graded, transported or otherwise disturbed by the movement of earth for purposes including, but not limited to, the construction of buildings, the mining of minerals, including sand and gravel, the development of golf courses, and the construction of roads and streets by any person within the village, a site development permit embodying the proposed earth movement shall be obtained from the village, where development comes under any one or more of the following provisions, unless such development is exempted therefrom by subsection B of this section:

1. Excavation, fill or any combination thereof, will exceed one hundred (100) cubic yards.
2. Fill will exceed three feet (3') in vertical depth at its deepest point measured from the natural ground surface.
3. Excavation will exceed four feet (4') in vertical depth at its deepest point.
4. Excavation, fill or any combination thereof will exceed an area of five thousand (5,000) square feet.
5. Plant cover is to be removed from an area exceeding five thousand (5,000) square feet on any vacant parcel of land or any parcel of land in excess of ten (10) acres.

B. A site development permit shall not be required in the following cases:

1. Any excavation below finished grade for a septic tank and drain field, tank, tunnel, basement, swimming pool, cellar or footing of a building or structure for which a building permit shall have been issued by the village, unless the excavation is part of the larger development which would otherwise require such a permit.
2. Excavation or removal of vegetation in public utility easements by public utility companies for the purpose of installing underground utilities.
3. Dredging in public right of way by village for flood control.
4. Tilling of the soil for fire protection purposes.
5. Engaging in the following, but only if in connection with a farming or other agricultural or conservation enterprise and upon property zoned solely for farming or agricultural purposes and uses:
  - a. The construction of sod waterways;
  - b. The construction of terraces;
  - c. The construction of surface water diversions;
  - d. The construction of grade stabilization structures; or
  - e. The tilling of the soil

**8-4-5-2 PERMIT APPLICATION, PLANS**

- A. No site development or building permit shall be issued until the applicant submits a site development plan prepared by or under the direction of an engineer, together with other submissions required by this chapter, and certifies that any land-clearing construction or development involving the movement of earth shall be in accordance with such plan and submissions.
  
- B. Each application for a site development permit shall be made by the owner of the property or his authorized agent to the village engineer on a form furnished for that purpose. When grading or plant cover removal is proposed as a part of a building permit application, it may be combined, and one plot plan, (in the number of copies required by the village engineer), may be submitted showing building plans and site development plans. In instances where application is made to the village for a building permit and grading or plant cover removal is proposed in connection with such application, the application for a site development permit may be combined with the building permit application and a final site development plan (including the number of copies required by the village engineer) may be submitted. In the latter instances, a land surveyor shall certify as to the accuracy of the existing and proposed contour lines. Each application shall be accompanied by the following, unless the village engineer finds any item unnecessary to insure compliance with the provisions of this chapter; provided, however, that no exemption from subparagraph a hereof shall be granted to any applicant who intends to move in excess of five hundred (500) cubic yards of dirt:
  - 1. With respect to site developments, a vicinity sketch, showing acreage of site, boundary line survey, zoning, type of proposed sewer and water facilities, location of existing utilities, buildings and drains on and within one hundred feet (100') of the site, together with a legend and scale. There shall be included on or with such a vicinity sketch:
    - a. A soil map of the subject property showing the predominant soil types on the site.
    - b. Information regarding those areas abutting or adjacent to the site sufficient to show existing drainage patterns and the drainage course that may affect, or be affected by the development of the site.
    - c. The name and address of the developer and owner.
    - d. The name and address of any consulting firm retained by the applicant, together with the name of applicant's principal contact at such firm.
    - e. Limits of natural flood plain(s).
    - f. Areas to be sodded, seeded, mulched, or paved.

- g. Acreage of area to be vegetatively stabilized, if any.
      - h. Areas to be left undisturbed.
  - 2. With respect to site grading, existing topography of the site and one hundred foot (100') adjacent peripheral strip, proposed contours and final grades, street profiles and an indication of what measures will be employed to protect cut and fill slopes from surface runoff.
  - 3. Storm drainage by means of a plan based upon a competent storm drainage study, including a drainage area map and computations, and indicating what conditions now prevail at proposed and natural outlets such as:
    - a. Whether the drainage course is bare earth or vegetated.
    - b. Whether the constructed outlet will be in open sun, open shade or dense shade.
    - c. Whether the natural or proposed outlet is subject to long-term or continuous flow.
    - d. Whether there is evidence of a high water table (permanent or seasonal).
    - e. Whether the existing outlet is actively eroding.
    - f. Whether the area is subject to seepage or spring flow.
    - g. The elevation of normal water level in all proposed and natural outlets.
    - h. A profile below outlet for a sufficient distance to indicate the natural gradient of the accepting natural outlet and/or stream channel.
    - i. A cross-section and profile of existing stream channels where applicable.
    - j. A ditch design and computations for all seeded, sodded, or bare earth outlets, ditches and similar water conduction facilities.

4. Estimated Time Schedule and Phasing of Development of the Site:

Phase I - Stripping and/or clearing

Phase II - Rough grading and construction

Phase III - Final grading and vegetative establishment

Phase IV – Maintenance - All erosion and sediment control plans submitted to the village engineer for approval shall show all the erosion and sediment control measures needed to provide protection throughout all the phases of construction listed herein. These plans

shall also include any off-site burrow and spoil areas, sewer lines, utility lines and haul and access roads, and shall further indicate:

- a. The date when clearing of the site will convene.
  - b. Duration of exposure of disturbed areas.
  - c. Installation of temporary sediment control measures (vegetative and structural) by phase and date.
  - d. Installation of storm drainage by phase and date.
  - e. Paving of streets and parking areas, if any, by phase and date.
  - f. Establishments of permanent vegetative cover (plans will show what will be done to shorten the duration of exposure of disturbed areas as soon after grading as possible), including seeding mixes and rates, type of sod, seedbed preparation, seeding dates, lime and fertilizer application, temporary seedings, if needed, mulching, or similar stabilization procedures.
  - g. Details of all structural sediment control measures.
  - h. Computations for sediment basins, if any.
5. The standards and requirements of "Standards and Specifications for Soil Erosion and Sediment Control in Northeastern Illinois, First Edition"<sup>1</sup> as compiled by the Lake and McHenry Soil and Water Conservation District and approved by the village, are hereby incorporated into this section and made a part hereof by this reference, for purpose of exemplifying the considerations and factors which should enter into the preparation of a site development plan.
- C. Retention of Plans: Plans, specifications and reports for all site developments shall be retained in original form or on microfilm by the village engineer.

#### **8-4-5-3 REVIEW**

To further the specific purposes of this chapter the following review procedures are established.

- A. Processing of Site Development Application: The village engineer shall review all site development applications. Following such review, the village engineer, in writing, shall:
  1. Approve the site development application if he finds it to be in accordance (conformance) with the provisions of this chapter and issue a permit.
  2. Approve the site development application subject to such reasonable conditions as he may deem necessary to secure substantially the objectives of this chapter, and issue a permit subject to those conditions.
  3. Disapprove the site development application.
- B. If the village engineer fails to make a determination within forty five (45) days after receipt of the application, such failure shall constitute an



approval of the application, unless such forty five (45) days is extended with the consent of the applicant.

- C. Prohibition of Earth Removal: No site development permit shall be issued for an intended building site unless:
1. Such permit is accompanied by or combined with a valid building permit issued by the village.
  2. The proposed earth moving is coordinated with any over-all plan previously approved by the village for the area in which the site is situated.

#### **8-4-5-4 FEES**

Filing fees and deposits for services shall be as set forth in separate Municipal resolutions or ordinances.

#### **8-4-5-5 PERMIT EXPIRATION**

Every site development permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within one hundred eighty (180) days, or is not completed within one year from date of issue, except that the village engineer may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

#### **8-4-5-6 REVOCATION OR SUSPENSION OF PERMIT**

- A. Authority: In the event any person holding a site development permit pursuant to this chapter violates the terms of the permit, or conducts or carries on said site development in such a manner as to materially or adversely affect the health welfare or safety of persons residing or working in the neighborhood of the property of the said permittee, or conducts or carries on said site development so that it is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the village engineer shall recommend revocation of or suspension of the site development permit.
- B. Procedure for Revoking, Suspending or Reinstating a Site Development Permit: No site development permit shall be revoked or suspended, nor shall a previously revoked or suspended permit be reinstated, until a hearing is held by the Island Lake Plan Commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, and shall state:
1. The grounds for complaint or reasons for the revocation, suspension or reinstatement in clear and concise language.
  2. The time when, and the place where, such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five (5) days prior to the date set for the hearing. At any such hearing the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing the plan commission shall transmit to the mayor and board of trustees for final action its findings and recommendations.

3. The hearing provided for in paragraph 2 of this subsection shall be held at the regularly scheduled meeting of the plan commission occurring not less than fifteen (15) days after receipt by the plan commission of the village engineer's recommendation for revocation or suspension, or the permittee's request for reinstatement, as the case may be.

#### **8-4-6 BOND**

The applicant may be required to file with the village clerk a performance bond or other improvement security, approved by the village board of trustees and in form satisfactory to the village attorney, in the amount deemed sufficient by the village engineer to cover all the costs of improvements, landscaping, maintenance of landscaping, engineering, inspection fees and incidental expenses for such periods as specified by the village.

#### **8-4-7 INSPECTIONS**

The village engineer shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with the site development plan. Where it is found by inspection that conditions are not substantially as stated or shown in the said plan, the village engineer may stop further work until approval is obtained for a revised grading plan conforming to the existing conditions. Plans for grading work, bearing the stamp of approval of the village engineer, shall be maintained at the site during progress of the grading. Until the final inspection is made, a sign issued by the village indicating permission to grade has been granted by the village shall be prominently displayed on the front property line of the property involved so as to be visible from the street on which the property fronts. In order to obtain inspections in accordance with the following schedule, the permittee shall notify the village engineer at least two (2) full working days before the said inspection is to be made:

- A. Rough Grading: When all rough grading has been completed.
- B. Final Inspection: When all work, including installation of all drainage and other structures and required planting, has been completed.

#### **8-4-8 SPECIAL PRECAUTIONS**

- A. If at any stage of the grading, the village engineer determines by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to imperil any property, public way, watercourse or drainage structure, the village engineer may require, as a condition to allowing the work to be done, that such reasonable safety precautions be taken as he considers advisable to avoid the likelihood of such peril. "Special precaution" may include, but shall not be limited to, specifying a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control and reports of a registered professional engineer whose recommendations may be made requirements for further work.
- B. Where it appears that storm damage may result because the grading is not complete, work may be stopped and the permittee required to install temporary planting to control erosion, install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large operations or where unusual site conditions prevail, the village engineer may specify the time of starting grading and time of completion or may require that the operation be conducted in

specified stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

#### **8-4-9 RESPONSIBILITY**

Failure of the village officials to observe or recognize hazardous or unsightly conditions or to recommend denial of the site development permit, or of the village engineer or Plan Commission to deny said permit, shall not relieve the permittee from responsibility for the condition or damage resulting therefrom, and shall not result in the village, its officers or agents being responsible for any condition or damage resulting therefrom.

#### **8-4-10 EXCEPTIONS**

The mayor and board of trustees, after recommendation by the Island Lake Plan Commission, may authorize exceptions to any of the requirements and regulations set forth in this chapter upon the conditions set forth herein:

- A. Application for Exception: Application for any exception shall be made by a verified petition of applicant stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the site development permit application. In order for the land referred to in the petition to come within the provisions of this section, it shall be necessary that the plan commission find all of the following facts with respect thereto:
  - 1. The land is of such shape or size or is affected by such physical conditions or is subject to such title limitations or record that it is impossible or impractical for the subdivider to comply with all of the regulations of this chapter.
  - 2. The exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
  - 3. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.
- B. Referral of Proposed Exception: Each proposed exception shall be referred to the officers or agencies involved and such officers or departments shall transmit to the plan commission their recommendations, which recommendations shall be reviewed prior to the granting of any exception.
- C. Plan Commission: After public hearing thereon, the plan commission, by resolution, may recommend approval of the site development permit application with the exceptions and conditions it deems necessary or it may recommend disapproval of such site development permit application and exception application or it may take such other action as is appropriate. Recommendations of the plan commission shall be submitted for final action to the mayor and board of trustees. If the mayor and board of trustees fail to make a determination within forty five (45) days after receipt of the plan commission's recommendations, such failure shall constitute an approval of the application, unless such said forty five (45) days is extended with the consent of the applicant.

**8-4-11****APPEALS**

The applicant, as well as any person who has received notice of the filing of the application for site development permit, may appeal the decision of the village engineer, including any approval resulting from lack of action by the village engineer as provided in subsection [8-4-5-3A](#) of this chapter to the plan commission. Upon receipt of an appeal, the plan commission shall schedule and hold a public hearing, after giving fifteen (15) days' published notice thereof. Within thirty (30) days following said hearing, the plan commission shall transmit its findings and recommendations to the mayor and board of trustees for final disposition. Factors to be considered on review shall include, but not be limited to:

- A. Possible saturation of fill and unsupported cuts by water, both natural and domestic.
- B. Runoff surface waters that produce erosion and silting of drainageways.
- C. Nature and type of soil or rock that, when disturbed by the proposed grading, may create earth movement and produce slopes that cannot be landscaped
- D. Excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

**8-4-12****VIOLATIONS AND PENALTIES**

No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any provisions of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. Upon conviction of any such violation, such person shall be punished by a fine in accordance with the general penalty provisions contained in section 1-4-1 of this code. In addition to any other penalty authorized by this section, any person convicted of violating any of the provisions of this chapter shall be required to restore the property to the condition existing prior to the commission of the violation, or to bear the expense of such restoration.

## Chapter 5

### SPECIAL FLOOD HAZARD AREAS

#### **8-5-1 REGULATIONS ADOPTED BY REFERENCE**

The regulations pertaining to flood control are published separately from this code in an ordinance known as the Lake County watershed development ordinance, adopted by the village. The Lake County watershed development ordinance, as it is amended from time-to-time, is incorporated herein by reference.

## Chapter 6

### SWIMMING POOLS

#### **8-6-1 TITLE; PURPOSE**

This chapter shall be known as the *SWIMMING POOL CHAPTER* of the village and may be so cited. The intent and purpose of this chapter is to protect the health and safety of persons constructing, using or maintaining public or private swimming pools for use within the village by the establishment of minimum standards of construction and maintenance for such pools.

#### **8-6-2 DEFINITION**

"Commercial swimming pools" shall mean any swimming pool which is operated as a business or any swimming pool which is owned or operated and a fee or charge is levied by the owner or operator for the use of said pool.

#### **8-6-3 APPLICATION OF PROVISIONS**

All provisions of this chapter pertaining to maintenance and sanitation shall apply to all swimming pools in the village, heretofore or hereafter constructed. Provisions pertaining to construction shall apply to pools constructed after the effective date hereof.

#### **8-6-4 PERMIT**

No person shall construct or install any swimming pool in the village without first obtaining a permit therefor from the building commissioner. Each application for permit shall be accompanied by plans and specifications to be submitted for approval by the village board.

#### **8-6-5 FEES**

A license fee in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code shall be and is hereby established for commercial swimming pools. The license fee shall be due and payable on or before May 1 of each year. There shall be no license fee required for swimming pools other than commercial swimming pools.

#### **8-6-6 BOND**

Every person as contractor, manufacturer or distributor of or dealer in swimming pools who shall construct or install any swimming pool in the village shall first file with the building commissioner a bond in the penal sum of ten thousand dollars (\$10,000.00) with good and sufficient surety to be approved by the village board, conditioned upon compliance with the provisions of this chapter. This section shall not apply to persons who have filed or who may hereafter file with the village a general contractor's bond, so long as such contractor's bond shall remain in effect.

#### **8-6-7 TYPES OF CONSTRUCTION**

- A. Concrete Pools: Pools may be of watertight reinforced concrete, with walls and bottoms designed to withstand earth and water pressures and resist upheaval by frost. Certification of plans and specifications by a licensed architect or professional or structural engineer shall be sufficient evidence of compliance with the requirements of this section.
- B. Approval Of Other Types Of Construction: Approval of any other type of construction or of any manufactured or prefabricated pool may be obtained from the village board upon proof that the same is durable, will withstand earth, water and frost pressure, is not deleterious to health and safety, that impervious materials are not used, and that the design is such as to maintain sanitary conditions and meets the general requirements of this chapter. Such approval by the village board shall

be in the form of an amendment to this chapter. All applications for such approval shall first be submitted to the village board for investigation and recommendation.

- C. Code Compliance: All provisions of this chapter shall be subject to and not less than the state and national code governing construction and operation of such pools.

#### **8-6-8 GENERAL REQUIREMENTS**

- A. Aprons and Scum Disposal: An apron of impervious material at least four feet (4') wide shall encircle the pool and shall slope away from the pool, to drain surface water. Scum gutters or other effective method of removing scum shall be provided for all pools.
- B. Safety Equipment: Pools shall be equipped with grab rails and approved metal ladders firmly fastened to the construction. Diving boards will not be permitted in depths less than seven feet (7') of water. Pools shall be equipped with at least one standard lifesaver ring float hung and easily demountable on four (4) sides of the pool where readily accessible. Pool area shall be entirely enclosed with a fence which shall meet the requirements of other applicable ordinances. Gates must be kept closed and locked at all times, except when the pool is in use and under direct supervision of an attendant qualified in lifesaving and first aid procedure.
- C. Plumbing: Swimming pools shall not be drained into sanitary sewers, but may be connected to storm drains or gutters, or pumped or siphoned into ravines or natural watercourses. Any permanent water supply to pool shall be equipped with a vacuum breaker to prevent back siphonage to water supply system. The rate of discharge flow shall not exceed two hundred fifty (250) gallons per minute with no direct connection permitted.
- D. Water Supply: All pools shall be equipped to provide constant recirculation and filtration of water. Such system shall have an hourly capacity equal to the pool volume divided by eight (8).
- E. Electrical Requirements:
  - 1. All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the national building code.
  - 2. No current carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within fifteen feet (15') of such pools unless specifically approved in writing by the building commissioner. Conductors may be brought to the pool for underwater lighting and equipment ground fault interrupter current protection will be provided for all swimming pools.
  - 3. All metal fences, enclosures or railings near or adjacent to private residential swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

### **8-6-9 OPERATION AND MAINTENANCE**

- A. Maintenance: All public and private swimming pools shall be maintained in a clean and sanitary condition, and all equipment shall be maintained in a satisfactory operating condition during periods the pool is in use.
- B. Operation: No public or private swimming pool shall be used, kept, maintained or operated in the village, if such use, keeping, maintaining or operating shall be the occasion of a nuisance or shall be dangerous to life or detrimental to health.
- C. Infectious Disease: It shall be unlawful for any person having an infectious or contagious disease to use any swimming pool, and no person in charge of any pool shall knowingly permit such use.

### **8-6-10 INSPECTION**

The village board may from time to time instruct the building commissioner or any other qualified representative of the village or county to inspect privately owned swimming pools and to make recommendations with respect to the operation and maintenance thereof for the purpose of keeping the same sanitary and protecting the health of persons using the same.

### **8-6-11 PENALTY**

Violation of this chapter shall subject a violator to fines in accordance with the general penalty provisions contained in section 1-4-1 of this code.

### **8-6-12 PRIVATE RESIDENTIAL SWIMMING POOLS**

- A. Application: The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings to children under the age of five (5) by restricting access to swimming pools, spas and hot tubs.
- B. Definitions:

ABOVEGROUND/ONGROUND POOL: See definition of Swimming Pool.

BARRIER: A fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB: See definition of Spa - Portable, Nonportable, Hot Tub.

INGROUND POOL: See definition of Swimming Pool.

RESIDENTIAL: That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three (3) stories in height.

SPA - PORTABLE, NONPORTABLE, HOT TUB: A nonpermanent structure intended for recreational bathing, in which all controls, water heating, and water circulating equipment are an integral part of the product.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that is capable of holding water twenty four inches (24") in depth. This includes in ground, aboveground, and on ground swimming pools, hot tubs and spas.

1. Indoor: A swimming pool which is totally contained within a structure and surrounded on all four (4) sides by walls of said structure.



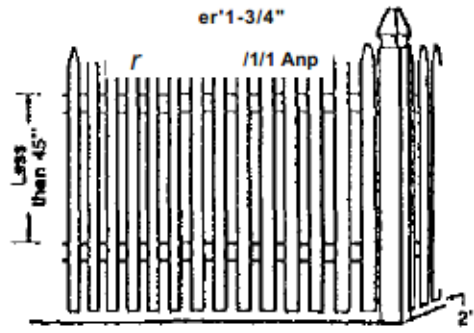
2. Outdoor: Any swimming pool which is not an indoor pool.

C. Requirements:

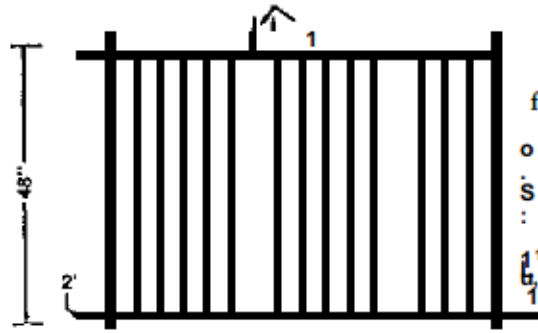
1. Usage: Generally, in no case shall a swimming pool, hot tub or spa be put into use until it is in compliance with the following requirements and any applicable building code.
2. Outdoor Swimming Pool: An outdoor swimming pool, including an inground, aboveground or onground pool, hot tub, or spa shall be provided with a barrier which shall comply with the following:
  - a. Barrier: The top of the barrier shall be at least forty eight inches (48") above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches (4") measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an underground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4").
  - b. Openings in Barrier: Openings in the barrier shall not allow passage of a four inch (4") diameter sphere.
  - c. Solid Barriers: Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentions or protrusions except for normal construction tolerances and tooled masonry joints.
  - d. Barrier Horizontal and Vertical Members Less Than Forty Five Inches or More: Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty five inches (45"), the horizontal members shall not exceed one and three-fourths inches ( $1\frac{3}{4}$ " in width. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed one and three-fourths inches ( $1\frac{3}{4}$ " in width.
  - e. Barrier Horizontal and Vertical Members Forty Five Inches Or More: Where the barrier is composed of horizontal and vertical members of forty five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches ( $1\frac{3}{4}$ " in width.
  - f. Mesh Size for Chainlink: Maximum mesh size for chainlink fences shall be one and one-fourth inch ( $1\frac{1}{4}$ " square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches ( $1\frac{3}{4}$ ").
  - g. Barrier Diagonal Members: Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths inches ( $1\frac{3}{4}$ ").
  - h. Access Gates: Access gates shall comply with the requirements of section 1, paragraphs 1.28 through 1.28.8, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open

outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty four inches (54") from the bottom of the gate: 1) the release mechanism shall be located on the pool side of the gate at least three inches (3") below the top of the gate and 2) the gate and barrier shall have no opening greater than one-half inch ( $\frac{1}{2}$ ") within eighteen inches (18") of the release mechanism.

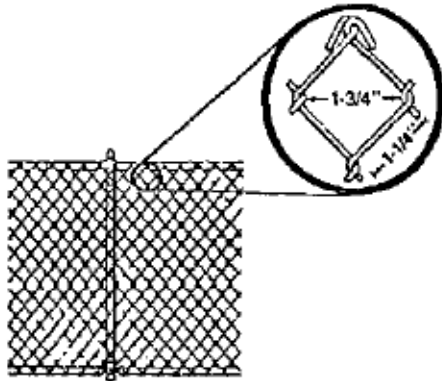
- i. Aboveground Pool Structure Used As Barrier: Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then: 1) the ladder or steps shall be capable of being secured, locked or removed to prevent access, or 2) the ladder or steps shall be surrounded by a barrier which meets the requirements of subsections C2a through C2h of this section. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a four inch (4") diameter sphere.
  - j. Moat Used to Obtain Clearance: Where a moat is used to obtain the forty eight inch (48") clearance from ground surface to the top of pool, it shall be forty eight inches (48") from the outside rim of the moat to the top of the barrier (or rim of the pool).
  - k. Prohibited Locations: Barrier shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
- D. Exemptions: A spa with a solid lockable safety cover which complies with ASTM ES 13-89 listed below shall be exempt from the provisions of this document. Swimming pools with safety covers shall not be exempt.  
*ASTM ES 13-89. Emergency Standard Performance Specification for Safety Covers and Labeling Requirements for all covers for Swimming Pools, Spas and Hot Tubs.*
- E. Fence And Gate Diagrams: See following page for fence and gate diagram



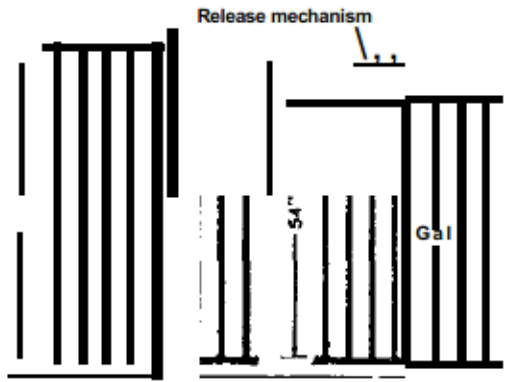
IF HORIZONTAL MEMBERS ARE LESS THAN 45° APART, VERTICAL SPACING



IF HORIZONTAL MEMBERS ARE EQUAL TO OR MORE THAN 45° APART,

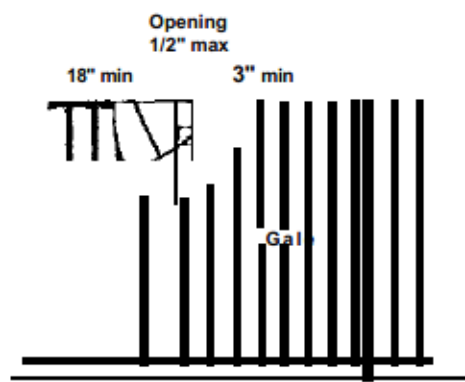


1.1/4" SQUARE CHAIN LINK MESH.



SHALL NOT EXCEED 1-3/4".

RELEASE MECHANISM LOCATED AT 54" OR HIGHER FROM THE BOTTOM OF THE GATE.



VERTICAL SPACING SHALL NOT EXCEED 4".

RELEASE MECHANISM LOCATED LESS THAN 54" FROM THE BOTTOM OF THE GATE.

LATCH RELEASE MECHANISM

## Chapter 7

### **STREET NAMES AND HOUSE NUMBERING**

#### **8-7-1 HOUSE NUMBERS REQUIRED**

It is hereby made the duty of the owner, agent or occupant of every building now existing, or hereafter erected, to number each building. Each of the figures of every number shall be not less than two and one-half inches ( $2\frac{1}{2}$ " ) in height so marked as to be easily and distinctly read or as required by the United States Postal Service. The numbers shall be placed in a conspicuous place on, at the side of, or above the front door of the buildings to which the same are attached.

#### **8-7-2 NONCOMPLIANCE, PENALTY**

Any agent, owner or occupant of any building now or hereafter erected in the village who shall, for thirty (30) days, neglect or refuse to number any building owned or occupied by him in conformity with the plat hereinbefore referred to, shall be subject to a penalty in accordance with the general penalty provisions contained in section 1-4-1 of this code and a similar penalty for every thirty (30) days thereafter that he shall neglect or refuse to number said building; or that the said building shall be without its number according to the provisions of this chapter.

## Chapter 8

### **STORM WATER DRAINAGE**

#### **8-8-1 APPLICABILITY**

This chapter shall be applicable to and hereby considered to be part of the requirements for the construction, alteration, repair and conversion of all buildings and structures and portions thereof used for industrial, storage, business, institutional, public and residential purposes, and the requirements for the subdivision of land.

#### **8-8-2 DEFINITIONS**

When used in this chapter, the following words shall have the meanings given:

**BYPASS CHANNEL:** A channel formed by the topography of the earth's surface to carry storm water runoff through a specific area.

**CONTROL STRUCTURES:** A structure designed to control the volume of storm water runoff that passes through it during a specific length of time.

**DRY BOTTOM STORM WATER STORAGE AREA:** A facility that is designed to be normally dry and contains water only when excess storm water runoff occurs.

**EXCESS STORM WATER:** That portion of storm water runoff which exceeds the transportation capacity of the storm sewers or natural drainage channels serving a specific watershed.

**FLOOD PLAIN:** The continuous area adjacent to a lake, stream or stream bed, the of which is greater than the normal water level of pool elevation, but equal to or lower than the base flood elevation.

**FLOOD TABLE LAND:** The continuous land area adjacent to the flood plain, the elevation of which is greater than the base flood elevation by two feet (2') or less.

**GROUND WATER RECHARGE:** Replenishment of existing natural underground water supplies.

**NATURAL DRAINAGE:** Channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

**POSITIVE GRAVITY OUTLET:** A term used to describe the drainage of an area by means of natural gravity so that it lowers the free water surface to a point below the existing grade or invert of storm drains within the area.

**RECOGNIZED AGENCY:** An agency or governmental unit that has statistically and consistently examined local and climatic and geological conditions and maintained records as they apply to storm water runoff, e.g., metropolitan sanitary district of greater Chicago, U.S. weather bureau, University of Illinois engineering experiment station, Illinois state water survey, etc.

**SAFE STORM DRAINAGE CAPACITY:** A term used to describe the quantity of storm water runoff that can be transported by a channel or conduit without having the water surface rise above the level of the earth's surface over the conduit or adjacent to the waterway.

**STORM WATER RUNOFF:** Water that results from precipitation which is not absorbed by the soil or plant material.

**STORM WATER RUNOFF RELEASE RATE:** The rate at which storm water runoff is released from dominant to servient land.

**STORM WATER STORAGE AREA:** Areas designated to store excess storm water.

**STREAM:** Any continuously flowing natural watercourse.

**TRIBUTARY WATERSHED:** All of the area that contributes storm water runoff to a given point.

**WET BOTTOM STORM WATER STORAGE AREA:** A facility that is designed to be maintained as free water surface or pond.

### **8-8-3 STORM SEWERS**

A. Storm sewers shall be designed to carry a rate of flow not less than the runoff rate computed by the McMath formula modification of the rational method as follows:

$Q = CI (S/A)^{1/4}$  where Q = Runoff rate in cubic feet per second

A = Tributary drainage area in acres

S = Slope of drainage area in feet per thousand

I = Rainfall intensity for a ten (10) year storm frequency in inches per hour

C = Rainfall-runoff coefficient using the following values:

Roofs and pavements: 0.95

Lawns and unimproved land: 0.15

B. The size of storm sewers shall be determined on the basis of Kutters formula or the Mannings formula using an "n" roughness coefficient of 0.013 for smooth pipe and 0.021 for corrugated pipe.

### **8-8-4 LAND DRAINAGE REQUIREMENTS**

All land developments and improvements within the jurisdictional control of the village must have adequate outlet with safe storm drainage capacity for storm water drainage as determined by the village engineer. If the storm water drainage outlet is not adequate, then detention facilities for storm water runoff shall be provided as determined by the village engineer to store the excess storm water. A combination of on-site excess storm water storage and controlled release of storm water runoff shall be provided for all of the following land uses:

- A. Commercial and industrial building developments of two (2.0) acres or larger in area.
- B. Multiple-family dwelling developments of five (5.0) acres and larger in area.
- C. Single-family dwelling developments of ten (10.0) acres and larger in area.

### **8-8-5 STORM WATER RUNOFF RELEASE RATE**

The storm water runoff release rate from all land developments and improvements required to provide detention facilities for excess storm water shall not exceed the storm water runoff rate from the area calculated for a rainfall storm of three (3) year frequency with a rainfall runoff coefficient of 0.15, unless the permit applicant can show by detailed calculations of an Illinois registered professional engineer which are approved by the village engineer that the safe storm drainage capacity of the existing outlet serving the tributary watershed is greater.

### **8-8-6 BYPASS STORM WATER FLOW**

The storm water drainage system for all land developments and improvements shall be designed with adequate bypass capacity to convey the storm water runoff flow from all tributary watershed areas through the land development area to the existing drainage

outlet. The bypass storm water flow rate for upstream tributary watershed areas shall be computed to carry the peak rate of runoff from a one hundred (100) year storm with a rainfall-runoff coefficient of 0.35. An allowance will be made for upstream detention storage when such upstream storage and runoff release rate has previously been approved by the village and has been constructed.

#### **8-8-7 EXCESS STORM WATER STORAGE**

- A. The required volume of live detention storage of excess storm water shall be calculated on the basis of the runoff from a one hundred (100) year frequency rainfall of any duration, as published by a recognized agency from the fully developed watershed that is tributary to the storm water storage area less the volume discharged from the watershed during the same duration at the allowable storm water release rate. The live detention storage (LDS) required for all excess storm water flows shall be calculated by the following formula:

$$\text{LDS} = C I_{100} T - 0.15 I_3 T$$

where

LDS = Live detention storage in inches of depth which can be converted to acre-feet by multiplying by the drainage area in acres and by the factor of 0.0833.

C = Rainfall-runoff coefficient calculated for the ultimate development of the total tributary watershed area using the following values:

Roofs and pavements: 0.95

Lawns and unimproved land: 0.15

$I_{100}$  = Rainfall intensity in inches per hour determined by a recognized agency for a 100 year storm frequency for any and all durations.

$I_3$  = Rainfall intensity in inches per hour determined by a recognized agency for a 3 year storm frequency for any and all durations.

T = Time of duration in hours of the 100 year storm varied to determine the most critical runoff rate and therefore the maximum live detention storage.

- B. Dry bottom storm water storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by occasional or intermittent flooding. A method of carrying the low flow through these areas shall be as provided in addition to a system of drains, and both shall be provided with a positive gravity outlet to natural channel or storm water.
1. The combination of storage of water from a one hundred (100) year storm and the design release rate shall not result in a storage duration in excess of seventy two (72) hours.
  2. Maximum depth of planned storm water storage shall not exceed four feet (4') unless the existing natural ground contours and other conditions lend to greater storage depth, which shall be approved by the Village.
  3. Minimum grades for turf areas shall be two percent (2%) and maximum slopes shall be ten percent (10%) (ten [10] units horizontally to one unit vertically). Storage area side slopes shall be kept as close to the natural land contours as practical and a ten percent (10%) slope or less shall be used

wherever possible. If slopes greater than ten percent (10%) are necessary to meet storage requirements or area restrictions, approval shall be obtained from the village and suitable erosion control provided in addition to the protection required to insure public health, safety and welfare.

4. Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the one hundred (100) year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the "natural" or surface channel system. Hydraulic calculations shall be submitted to the village engineer to substantiate all design features. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Storm water runoff velocities shall be kept at a minimum and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and used only as a last resort when no other method is feasible.
- C. Wet bottom storm water storage areas shall be designed in accordance with all of the requirements for dry bottom storm water storage areas except that a low flow conduit and system of drains with a positive gravity outlet shall be eliminated. However, the following additional conditions shall be complied with:
1. Water surface area shall not exceed ten percent (10%) of the tributary drainage area.
  2. Shoreline protection shall be provided to prevent erosion from wave action.
  3. Minimum normal water depth shall be four feet (4'). If fish are to be used to keep the pond clean, a minimum of twenty five percent (25%) of the pond area shall be a minimum of ten feet (10') deep.
  4. Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
  5. Control structures for storm water release shall be designed to operate at full capacity with only a minor increase in the water surface level hydraulic calculations shall be submitted to the village engineer to substantiate all design features.
  6. Aeration facilities to prevent pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the village.
  7. In the event that the water surface of the pond is to be raised for purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess storm water runoff shall still be sufficient to contain the one hundred (100) year storm runoff.



- D. Paved surfaces that are to serve as storm water storage areas shall have minimum grades of one percent (1%) and shall be restricted to storage depths of one foot (1') maximum. Roof top storage shall be designed with permanent- type control outlets and parapet walls to contain runoff on the roof top. Emergency overflow areas shall be provided to insure that the weight of water stored will not exceed the structural capacity of the roof. If a portion of an area within a storm water storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation within the storage area as possible. Maximum parking lot grades shall not exceed normal design parameters of three percent (3%) to five percent (5%).

#### **8-8-8 GROUND WATER RECHARGE**

The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the storm water runoff control system shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. Specific design calculations and detail shall be provided with the final plans and specifications presented for village approval. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are examples of possible recharge methods.

#### **8-8-9 CONSTRUCTION OF STORM WATER CONTROL FACILITIES**

- A. Where development of a property presents the threat of flooding or damage by flash runoff to downstream residents, the facilities for storm water runoff control shall be constructed prior to any earth moving or drainage construction on the project site.
- B. During the construction phases of land development, facilities shall be provided to prevent the erosion and washing away of the earth<sup>1</sup>. Silting of downstream areas shall be prevented through the strategic use of stilling basins, sodding of runoff channels and by limiting the period of time during which the earth is stripped of vegetation.
- C. The construction of the storm water control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefit to the village, negotiations for public participation in the cost of development may be feasible.

#### **8-8-10 SUBMITTAL OF ENGINEERING DESIGN DATA**

Plans, specifications and all calculations for storm water runoff control as required hereunder shall be submitted to the village engineer for review and approval prior to the village's approval of a final plat in the case of subdivisions and planned unit developments, or issuance of a building permit in the case of commercial or industrial construction.

#### **8-8-11 SURFACE WATER RUNOFF**

- A. This section shall apply where there is construction and/or alteration of buildings and structures or any parts of appurtenances thereto. Top dressing shall not be included.
- B. The applicant for a permit shall submit a topographic survey, review of data to the Municipality relating to surface water runoff control, the grading plans submitted at the time of land development where applicable and set out proposed elevations using USGS sea level datum for any proposal. Such

information shall include pertinent elevations relating to surrounding and contiguous properties and show clearly any possible altering of surface water or subterranean flow patterns.

- C. The placement of any fill material affecting any construction and/or alteration and further involving any driveways, parking areas, terraces or retaining walls shall require a permit from the building commissioner. The building commissioner shall act upon the recommendation of the village engineer for the type of construction, surface water detention, effect of filling or shaping the land and avoidance of hazard to persons or damage to property which may result from the issuance of the permit.
- D. If, in the construction or alteration of a building or structure, it is found that a drain tile will be affected, the drain tile shall be relocated or replaced so that there is no obstruction of the tile line and so that the tile line will carry storm water for the purpose for which it was intended.
- E. If said permit involves the filling of land within the confines of these regulations, a permit fee in the amount in the annual fee ordinance contained in section 1-1630f of this code shall be due and payable upon application of these rules and regulations to the subject tract.

## Chapter 9

### **PARABOLIC OR DISH TYPE TELEVISION ANTENNAS**

#### **8-9-1 DEFINITION**

"Parabolic or dish-type television antennas" as used herein shall mean any circular or similar dish shaped transmitting or receiving antenna for communications or for transmitting or receiving television signals from a satellite.

#### **8-9-2 MAXIMUM NUMBER ALLOWED PER PARCEL**

Not more than one parabolic or dish type antenna shall be permitted on any parcel of land used or occupied by one main building or one main use.

#### **8-9-3 RESIDENTIAL PROPERTY**

A. No Permit Required: No permit shall be required for the installation and operation of a parabolic or dish type antenna where such antenna is totally enclosed within a residential building or where such antenna is one meter or less in diameter and meets all of the following requirements:

1. The maximum height does not exceed thirty five feet (35') from ground level, or including any structure, as measured in accordance with the provisions of the zoning ordinance ([Title 9](#) of this code) applicable to the zoning district classification of the subject property.
2. Shall not be located in a front or side yard of the subject property as such yards are defined in the zoning ordinance of the Village ([Title 9](#) of this code).

B. Permit Required: No parabolic or dish type antenna which is not totally enclosed within a building or which, if not so enclosed, is greater than one meter in diameter shall be installed until and unless an application for a construction permit has been filed with the village and approved by the building commissioner; no such application shall be approved unless the construction plans and specifications accompanying said application shall comply with the following requirements:

1. The manufacturer's installation and operational manual, or a copy thereof, shall be filed with the application.
2. That said antenna shall be installed and operated in accordance with the specifications contained in the manufacturer's manual; provided, however, that such installation and operation shall otherwise comply with the terms and provisions contained in this chapter.
3. The maximum height of the installation from ground level at the site shall not exceed six feet (6').
4. The antenna shall not be located in any front or side yard as such yards are defined for the subject property according to the terms and provisions of the zoning ordinance of the Village ([Title 9](#) of this code).
5. The antenna and pertinent structures in connection therewith shall comply with the minimum setback requirements for the subject property as provided in the zoning ordinance of the Village ([Title 9](#) of this code).

6. The parabolic or dish type antenna shall not be in excess of six feet (6') in diameter.
7. Such antenna shall be mounted directly upon the ground. The installation or mounting of such antenna on any roof or tower or similar form of structural support is hereby prohibited.
8. Such antenna shall be completely screened so as not to have any portion thereof visible from any location outside the perimeter of the property on which it is installed. Provided, however, that any fence or shrubbery providing such screening shall otherwise comply with the ordinances of the village.

**8-9-4 NONRESIDENTIAL PROPERTY**

- A. No Permit Required: No permit shall be required for the installation and operation of any parabolic or dish type antenna in a nonresidential zone within the village if such antenna is either fully enclosed within the building structure or, if not so enclosed, is one meter in diameter or less in size and otherwise complies with the height and setback requirements for such property as provided in the zoning ordinance of the Village ([Title 9](#) of this code).
- B. Permit Required: No such antenna whose diameter exceeds one meter and which is not wholly enclosed within a building shall be installed and operated within the village unless and until an application for permit has been filed with the village and approved by the building commissioner. No permit shall be issued for such antenna unless the following requirements are met:
  1. The manufacturer's installation and operational manual, or a copy thereof, shall be filed with the application.
  2. That said antenna shall be installed and operated in accordance with the specifications contained in the manufacturer's manual; provided, however, that such installation and operation shall otherwise comply with the terms and provisions contained in this chapter.
  3. The maximum height of the installation from ground level at the site shall not exceed six feet (6').
  4. The antenna shall not be located in any front or side yard as such yards are defined for the subject property according to the terms and provisions of the zoning ordinance of the Village ([Title 9](#) of this code).
  5. The antenna and pertinent structures in connection therewith shall comply with the minimum setback requirements for the subject property as provided in the zoning ordinance of the village ([Title 9](#) of this code).
  6. All the terms and provisions of the building code of the village ([Chapter 1](#) of this title) are met.
  7. Such antenna shall be completely screened so as not to have any portion thereof visible from any location outside the perimeter of the property on which it is installed. Provided, however, that any fence or shrubbery providing such screening shall otherwise comply with the ordinances of the village.

**8-9-5 APPLICATION FEES**

The application fee for a permit for a residential antenna shall be in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.

## Chapter 10

### **BOAT DOCKS AND PIERS**

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

- A. Authorize the construction of minor recreational boat docking facilities and modification of or additions to said facilities.
- B. Contribute to improving the safety of the public and its properties, be they land or tangibles.
- C. Provide a standard by which existing structures may be brought into compliance with this chapter should the structure in question be cited as being in an unsafe, unsightly, or dilapidated condition.

#### **8-10-2 DEFINITIONS**

DOCK: That portion of a pier which is explicitly constructed on dry land.

PIER: Any flat structure, explicitly extending out over a waterway, which is typically used as a landing place for boats and/or rafts.

PIER POST: A device that is anchored to the lake bottom and holds up a pier.

WATERWAY: Any lake, river, pond, channel, bay or stream.

#### **8-10-3 APPLICABILITY**

This chapter applies to all proposed and existing nonpublic recreational boat docks and piers constructed on the river, lakes or streams falling within the boundaries of the village.

#### **8-10-4 GENERAL CRITERIA, STANDARDS AND PROVISIONS**

- A. Private piers and docks may be constructed and maintained only on privately owned and improved waterfront lots. Piers and docks may include railings, bench, small storage box and provisions for life preservers only.
- B. A pier shall project no more than twenty four feet (24') into the waterway and in no instance shall the length be greater than one-fourth ( $\frac{1}{4}$ ) of the width of the waterway and a pier shall not exceed six feet (6') in width.
- C. The width of the dock shall not be greater than ten feet (10') and in no instance be greater than one-half ( $\frac{1}{2}$ ) of the length of the owner's shoreline frontage. Docks may only cantilever over the shoreline by six inches (6").
- D. For L-shaped and T-shaped piers, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage or twenty feet (20'), whichever is less. Total length perpendicular to the shoreline shall not exceed twenty four feet (24') including the "T" or "L".
- E. Any dock or pier implicitly parallel to the shoreline must be constructed as an integral part of a sea wall (which conforms to the "shoreline protection" ordinance, [Chapter 11](#) of this title).
- F. Any pier must be aligned so as not to cross the projection of neighboring property lines into the waterway or come within four feet (4') of any such lines.

- G. Top of pier elevation shall not exceed thirty six inches (36") above the mean water level (MWL) while the bottom of pier elevation shall be no less than eighteen inches (18") above MWL.
- H. Pier post shall be marked with amber reflective devices (3 inches in width or larger) visible from all sides. Reflective tape approved for use by the department of transportation (DOT) or screw on reflectors are acceptable. Piers require an amber reflector, visible from the water, placed at the farthest point into waterway.
- I. The dock or pier must be securely anchored to the shore and lake bottom to prevent its incidental detachment and becoming a floating hazard during times of high water and/or winds.
- J. No floating piers will be allowed.
- K. Any and all electrical fixtures or outlets attached or adjacent to the pier shall be outdoor rated and be installed under full compliance with the national electrical code.
- L. All docks and piers will be constructed of a noncorrosive, and/or decay resistant type material such as, but not limited to: cedar, wolmanized wood, redwood, aluminum, or coated steel. Fasteners, such as nails, screws or brackets will be galvanized or stainless steel and only biodegradable paints or stains may be used.
- M. The foregoing restrictions shall not apply to piers and docks maintained by the village.
- N. Diving platforms will not be permitted.
- O. Boat docks or piers made of poured concrete or similar material will not be permitted.
- P. Stand alone shore station not adjacent to a pier or sea wall will not be permitted.
- Q. Tires may not be used for bumpers.

#### **8-10-5 EXISTING DOCKS AND PIERS**

No dock or pier existing prior to the effective date hereof may hereafter be extended or altered without a permit having been secured therefor. All alterations or extensions must comply with the provisions of this chapter. Normal maintenance shall be allowed on such preexisting docks or piers without securing a permit. However, docks or piers in "substantial disrepair" (defined as a dock or pier which requires repair or replacement of 50 percent or more of the materials of which it is constructed) may not be maintained, repaired, restored or altered except upon issuance of a permit therefor in conformity with the provisions of this chapter. Docks or piers in "substantial disrepair" as defined herein shall be repaired, pursuant to the foregoing, or improved within ten (10) days after receipt of notice to do so by the building department.

#### **8-10-6 MAINTENANCE**

- A. All docks or piers are to be maintained by the property owner; this implies that the owner will maintain the structure in a safe and sound condition year round.
- B. Docks and piers shall be maintained in good condition as determined by the building department. The owner shall repair or replace the dock or pier which is

determined to be in disrepair upon ten (10) days' notice to do so from the building department.

#### **8-10-7 SPECIAL CONDITIONS**

- A. The fact that a building permit has been issued for any dock or pier shall not relieve the holder thereof of responsibility for compliance with provisions of this chapter or the requirements of any other ordinance applicable thereto at the time that said dock or pier was constructed or repaired.
- B. If at any future date the department of transportation, the army corps of engineers or the village determines that the pier obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee agrees to make necessary modifications to the pier as determined by the department of transportation, the army corps of engineers or the village.
- C. This chapter does not convey title to any permittee or recognize title of any permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the project or any part thereof will be located, or otherwise grant to any permittee any right or interest in or to the property whether the property is owned or possessed by the state or by any private or public party or parties.
- D. This chapter does not release any permittee from liability for damage to persons or property resulting from the work covered by the permit, and does not authorize any injury to private property or private rights.
- E. This chapter does not relieve any permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain authorization from any federal authority to do the work, the authorization is not effective until the federal approval is obtained.
- F. The permittee shall, at his own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project, from the floodway, stream or lake in which the work is done. If the permittee fails to remove such structures or materials, the village may have removal made at the expense of the permittee. If future need for public navigation or public interests of any character by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or his successors as required by the department of transportation, or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the department or other agency, unless a longer period of time is specifically authorized.
- G. If a project authorized by this permit is located in or along a meandered stream, the permittee and his successors shall make no claim whatsoever to any interest in any accretions caused by the project.
- H. In issuing this permit, the village does not approve the adequacy of the design or structural strength of any structure or improvement authorized by this permit.



#### **8-10-8 PERMIT APPLICATION REQUIREMENTS**

The permit fee shall be in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code. The following requirements must be met prior to the issuance of a dock or pier permit:

- A. Signature of the person making the application. If not the property owner, must show name of property owner.
- B. Lot layout showing lot lines and location of the improvement between the sidelines of the property.
- C. Approximate shoreline profile and mean water level (obtain MWL from the building inspector).
- D. Dimensions of the dock or pier and the distance it extends out from the shoreline.
- E. Details of construction; material, framing, decking, etc.
- F. Method of anchoring the dock or pier to the shoreline and lake bottom (including type and size of pipe or timber).
- G. Supply one copy of the above information on an eight and one-half inch by eleven inch (8 $\frac{1}{2}$ " x 11") or eleven inch by seventeen inch (11" x 17") sheet(s) to be kept on file with the village.

#### **8-10-9: PENALTY**

All persons in violation of the provisions of this chapter shall have ten (10) days from the date of written notification by the building department or representative of the village to remedy such violation. "Notice" as used in this chapter, shall be deemed given if written notice of the violation is mailed or personally served upon the owner or occupant of the lot or lots in violation. The owner and the occupant shall be equally liable for any violations of this chapter. Any person who violates any of the provisions of this chapter shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense.

In addition to the foregoing penalty provisions, all docks or piers erected, repaired or maintained in violation of the provisions of this or any other ordinance applicable thereto shall be deemed a nuisance, and may be abated or enjoined as in the case of other nuisances.

## Chapter 11

### SHORELINE PROTECTION

#### 8-11-1 PURPOSE

- A. To authorize shoreline and streambank protection activities along the waters encompassed by the boundaries of the village.
- B. To provide minimum standards to safeguard persons, to protect property and prevent the despoliation of the environment, and to promote the public welfare, by regulating and controlling the design, construction quality of materials, and use and maintenance of any structure or activity, or lack of, which disturbs or breaks the topsoil or otherwise results in the movement of earth on land and shoreline situated in the Village of Island Lake, Lake and McHenry Counties, IL.
- C. To protect the public interest in public bodies of water, the preservation of the flood carrying capacity of lakes and streams and the prevention of significant increase in potential flood damage.
- D. Reduce the burden, financial and otherwise, the public has to bear by failure of others to comply with the following provisions.
- E. Provide a safe and healthy environment for those people who utilize the waters within the village for personal enjoyment.

#### 8-11-2 APPLICABILITY

- A. Shoreline Protection Activities: This chapter applies to shoreline protection activities on the streams, creeks, river and lake under the jurisdiction of the village, any reaches of shoreline and streambank which are experiencing active or passive erosion, are covered by this chapter.
- B. Permit Issuance Conditions: No permit shall be issued for the construction of any new building(s) on any waterfront property where no, or inadequate, shoreline protection exists. Shoreline protection, in full compliance with the following provisions, shall be provided prior to the issue of any such building permit.
- C. Activities: This chapter does not apply to the following activities: channel modifications such as the excavation of pilot channels; structural channel control measures such as the construction of dikes and jetties; any activity which would result in the creation of land either directly, or indirectly by accretion; and projects which conflict with a federal, state or local project or improvement or with any other rules of the village.
- D. Coordination with Other Agencies: This permit does not supersede nor relieve any permittee's responsibility to obtain other federal, state or local permits. The U.S. Army Corps of Engineers regulatory functions office should be contacted to obtain any additional design criteria and required permits.

#### 8-11-3 GENERAL CRITERIA

In order to be in compliance with this chapter, an individual project must meet the following general criteria:

- A. Only the following materials, individually or in combination, may be used: stone riprap (river run stone or crushed limestone), steel, PVC, or aluminum sheet

piling, cellular retaining blocks, geotechnical fabric materials, and natural vegetation provided all other conditions of this chapter are met. Alternative materials to those listed above may be submitted for the board of trustees to review and approve. Such materials may be, but are not limited to, gabion baskets or fabric formed concrete revetments.

- B. The following materials listed, but not limited to, may not be used in any case: auto bodies or parts, garbage or debris, scrap lumber, concrete refuse, metal refuse, roofing materials, asphalt or other bituminous materials, tires or wheels, or any material which would cause, or have potential to cause, water pollution as defined by the EPA act or any other material found to be unsuitable, for its intended use, by the building inspector and/or the village board of Island Lake.
- C. The length of shoreline protection shall not be less than the property owner's full shoreline frontage.
- D. Any/all material utilized shall be properly sized and anchored to resist anticipated forces, such as, but not limited to, current, wave, earth, and ice action.
- E. Protective structures shall be constructed so as to be totally self-supporting during periods of low water levels.
- F. Materials shall be placed in a way which would not cause erosion, or the accumulation of debris, on properties to or opposite the project.
- G. Materials or protective structures shall not be placed higher than the existing top of bank.
- H. Alterations to the grade and subsequent elevations of the existing property may require an additional permit(s) (per Ordinance 8.4; Erosion and Sedimentation Control, 8.5; Special Flood Hazard Areas, and 8.8; Storm Water Drainage). Consult the building inspector for additional information.
- I. The maximum slope allowable for vegetation to be utilized as shoreline protection shall be three (3) horizontal to one vertical.
- J. Materials should be placed so that the modified cross sectional area of the channel will conform to that of the natural channel upstream and downstream of the site. In no case shall the cross sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed one cubic yard per lineal foot of streambank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
- K. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be sod or seeded with exclusion blanket upon completion of construction. Silt fence shall/must be installed before construction starts.
- L. In the case of sea walls and gabion structures on lakes, the structure shall be constructed at or landward of the water line, as determined by the normal pool elevation, unless:
  - 1. It is constructed in alignment with an existing sea wall(s) or gabion structure(s); and
  - 2. The volume of material placed, including the structure, would not exceed one cubic yard per linear foot.

## 8-11-4 DESIGN GUIDELINES

- A. Technical Assistance: For technical assistance in designing shoreline or streambank protection it is suggested that you contact the U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, Mississippi 39180, for a copy of the booklet, "Streambank Protection Guidelines...For Landowners and Local Governments" or a registered professional engineer.
- B. General Guidelines For Riprap Placement: The following suggestions are listed as general guidance for the placement of riprap, the most common form of bank protection
  1. A well distributed mix of stones weighing from ten (10) to twenty (20) pounds per stone or larger should be used.
  2. The thickness of the riprap layer should be from ten (10) to eighteen (18) inches. Portions of the riprap layer that would normally be underwater should be increased to twelve (12) to eighteen (18) inches.
  3. Below the riprap layer there shall be a six inch (6") layer of filter medium such as sand or washed gravel, and a layer of filter fabric.
  4. Dumped riprap should be placed at a slope of two (2) horizontal to one vertical or flatter. The slope may be increased to 1.5 horizontal to one vertical for hand placed riprap.
  5. A riprap trench or apron should be provided at the base of the protected bank for stability.
  6. Both ends of the project should be "tied" into the bank; the most common method being to excavate a trench in the bank and fill it with riprap.
- C. Privately Owned Sand Beaches: A sand beach will only be allowed in areas behind shoreline protection. Beach must be constructed in such a way that at no time will sand be introduced into the lake. Existing sand beach areas are not allowed to bring in any new sand. Anyone doing so will be subject to fines in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code or more and information will be given to the U.S. army corps for additional penalties as their guidelines allow.
- D. Concrete: Concrete retaining/sea walls provide an excellent form of shoreline protection provided proper design and construction methods are used. The following minimum guidelines are intended to provide general information on sound concrete retaining wall construction practices:
  1. All concrete used shall have a twenty eight (28) day compressive strength of three thousand (3,000) psi.
  2. Minimum wall thickness should be eight inches (8").
  3. All concrete retaining walls shall have a footing which will be a minimum of forty two inches (42") below the grade of the waterward side, and be keyed into the earth.

4. All concrete retaining walls, except gravity walls, will have at least the minimum amount of reinforcing steel, properly located, required by the (ACI) American Concrete Institute Code.
  5. A sufficient amount of two inch (2") round weep holes shall be installed to reduce the hydrostatic back pressure on the wall. A system of drain tiles and washed gravel backfill shall also be utilized to relieve such pressures.
  6. The air content of the concrete shall be 5.1% to reduce the likelihood of damage due to freeze-thaw action.
  7. Consult a registered engineer or competent contractor regarding the proper design required to overcome the various loads created by, but not limited to, varying soil conditions, water table elevations, frost-heave, and supercharge loads due to the location of buildings and/or roadways, etc.
- E. Steel/Aluminum Sheet Pile: Sheet pile can also provide long lasting cost effective shoreline protection provided proper design and construction methods are utilized. The following minimum guidelines are intended to provide basic background information on sound design and construction considerations:
1. Steel shall be at least ASTM A-328 grade or better with a minimum yield point (Fy) of 38.5 Ksi or better, a minimum allowable stress (Fa) of 25 Ksi or better and a minimum length of six feet (6').
  2. Aluminum sheeting, bracing assemblies, wales, cap, tie rods, shims and clips, shall be made from aluminum alloy 6061-T6 designation B22 (Fu [min] - 38 Ksi and Fy [min] - 35 Ksi).
  3. Use of dissimilar metals together should be avoided.
  4. Care should be taken to install the sheet pile plumb and horizontal.
  5. A major percentage of retaining wall failures is due to improper installation or lack of tie backs, therefore, tie backs must be designed for and installed accurately to ensure proper stress transfer
  6. Anchor plates or "dead-men", minimum length of six feet (6'), will be installed in undisturbed soil if possible.
  7. A cap four inch by four inch (4" x 4") minimum must be installed on the top of the wall to ensure rigidity, alignment, and safety.
  8. Install an adequate amount of two inch (2") round weep holes to relieve hydrostatic back pressure. A system of drain tiles and washed gravel backfill shall also be utilized to relieve such pressures.
  9. Consult a registered engineer or competent contractor regarding proper design and installation requirements.
  10. Consult the manufacturer of the sheet pile used to ensure any and all special conditions are met, such as, but not limited to, soil conditions (including chemical), chemical makeup of water (pH, etc.), minimum number and spacing of tie rods, or use of concrete cap.
  11. Sheet piling shall extend a minimum of forty two inches (42") below grade (at the waterward side) or shall extend an equal amount to that exposed above grade, i.e., a five foot (5') tall wall shall extend five feet (5') below grade for a total sheet length of ten feet (10').

F. Backfilling: The removal of materials from the lake bed for backfilling is strictly prohibited. Penalties will follow the guidelines of section 404 of the clean water act, paragraph S4A.

G. Special Conditions:

1. A permit issued for the work, as mentioned above, does not authorize any other construction related activity such as, but not limited to, changes in grade or pier construction.
2. Existing sea walls that do not comply with the above specifications may continue to exist under "nonconforming use" until such time the structure is either modified or deemed to be in an unsafe or unsightly condition by the building inspector.
3. There shall be no excavation of shoreline for any reason unless and until a permit is granted by the village for such work.
4. If at any future date the department of transportation, the corps of engineers or the village determines that the sea wall obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee agrees to make necessary modifications to the sea wall as determined by the department of transportation, the corps of engineers, or the village.
5. This chapter does not convey title to any permittee or recognize title of any permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the project or any part thereof will be located, or otherwise grant to any permittee any right or interest in or to the property whether the property is owned or possessed by the state or by any private or public party or parties.
6. This chapter does not release any permittee from liability for damage to persons or property resulting from the work covered by the permit, and does not authorize any injury to private property or invasion of private rights.
7. This chapter does not relieve any permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain authorization from any federal authority to do the work, the authorization is not effective until the federal approval is obtained.
8. The permittee shall, at his own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project, from the floodway, stream or lake in which the work is done. If the permittee fails to remove such structures or materials, the village may have removal made at the expense of the permittee. If future need for public navigation, or public interests of any character by state or federal government, necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or his successors as required by the department of transportation or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the department or other agency, unless a longer period of time is specifically authorized.
9. If a project authorized by this permit is located in or along a meandered stream, the permittee and his successors shall make no claim whatsoever to any interest in any accretions caused by the project.

10. In issuing this permit, the village does not approve the adequacy of the design or structural strength of any structure or improvement authorized by this permit.
  11. All sea walls, whether originally built in conformity with the requirements of this chapter or existing as a legal nonconforming use, shall be maintained to prevent shoreline erosion in safe sightly condition. Any sea wall deemed unsafe or unsightly by the building inspector shall be repaired or rebuilt so as to conform to the requirements of this chapter.
- H. Permit Application Requirements: Permit fee shall be in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code. The following information must be submitted to the building department and the lake management committee for their review and approval:
1. Signature of the person making the application. If not the property owner, must show name of property owner.
  2. Lot layout showing lot lines and location of the improvement between the sidelines of the property.
  3. Approximate shoreline profile and mean water level (obtain MWL from the building inspector).
  4. The dimensions of the sea wall and the distance it extends along the shoreline.
  5. Supply one copy of the above information on an eight and one-half inch by eleven inch (8<sup>1</sup>/<sub>2</sub>" x 11") or eleven inch by seventeen inch (11" x 17") sheet(s) to be kept on file with the village.
  6. Details of construction, such as, but not limited to: materials used, framing details, reinforcing plan, anchoring detail, drainage system, and finish.
  7. Submit typical cross section(s) view showing: elevations, thickness, rolled rod placement (where applicable), footing dimensions, tie backs, weep hole(s), and backfill type and amount.

**8-11-5 REVIEW**

See section [8-4-5-3](#) of this title.

**8-11-6 EXCEPTIONS**

See section [8-4-10](#) of this title

**8-11-7 APPEALS**

See section [8-4-11](#) of this title.

**8-11-8 VIOLATIONS AND PENALTIES**

No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any provisions of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. Upon conviction of any such violation, such person shall be punished by a fine in accordance with the general penalty provisions contained in section 1-4-1 of this code. In addition to any other penalty authorized by this chapter, any person convicted of violating any of the provisions of this chapter shall be required to restore the property to the condition

existing prior to the commission of the violation, or to bear the expense of such restoration.



## Chapter 12

### FIRE PREVENTION

#### 8-12-1 PURPOSE

Adoption of fire prevention regulations for the purpose of governing conditions hazardous to life and property from fire.

#### 8-12-2: ESTABLISHMENT AND DUTIES OF THE FIRE MARSHAL

- A. The fire prevention code shall be enforced by the fire marshal, deputy fire marshal and personnel assigned to inspection duties by the fire marshal or deputy fire marshal.
- B. The fire marshal and the deputy fire marshal shall be selected from the roster of the Wauconda fire department by the Wauconda fire department chief.

#### 8-12-3 AMENDMENTS TO THE INTERNATIONAL FIRE CODE

The following provisions shall further apply and shall supersede any and all references listed within the adopted edition of the international fire code 2000 edition:

- A. Additions, Insertions and Changes:
  - 1. Section F-101.1  
Insert the Village of Island Lake
  - 2. Section F-105.1.1 Permit fees: See the Island Lake fee schedule for all permit fees
  - 3. Section F-105.3 Conditions of Permit: add the following: No permit shall be valid for a period in excess of one year. A permit may be issued for a period of less than one year when the Fire Inspector deems that a special hazard exists.
  - 4. Section F-105.4.7  
  
Add the following: Digitized Data Computer format plans may be required in addition to regular print submittal for subdivision and/or building plans. Type of computer format plans shall be specified by the Wauconda Fire Department.
  - 5. Section 202  
Code Official changes as follows: the Fire Marshal is hereby designated the Fire Official.
  - 6. Section 307.2.3 Add the following:  
Approval Required, add sentence "The Fire Official shall refer such request to the Village Board of Trustees for its approval."

7. Section 503.1.4 Add the following:
  - a. Public or private access shall be provided to each building so that the responding fire apparatus will be able to be so located that all points of the interior of the building may be reached by one hundred fifty feet (150') of initial attack hose. Where the size or height of the building does not allow this regulation to be met, an interior stand-pipe system equipped with Fire Department hose connections, approved by the Fire Marshal, may be allowed as an exception. The stand-pipe shall be connected to a public water system.
  - b. Public or private access for motor fire apparatus shall be around the building so that there may be proper operation of ladders and mechanical elevated mechanisms. Fire lanes shall be all-weather roadways at least twenty feet (20') in width with greater widths to accommodate vehicles when turning.
  - c. Access routes shall be so arranged that Fire Department apparatus may respond from all points of the building to adjacent fire hydrants along routes not to exceed three hundred feet (300') from the most remote point of the building to the nearest fire hydrant.
  - d. Fire lanes on private property shall be designed by the Fire Marshal, and parking of motor vehicles or otherwise obstructing such fire lanes or access routes shall be prohibited at all times.
  - e. All designated fire lanes are to be either marked or posted with a designated sign with the approval of the Fire Marshal.
8. Section 506 Key boxes See also [8-12-5](#).
9. Section 508.5 Fire hydrants see also [8-12-4](#).
10. Section 804.1 Restricted occupancies shall read as follows:

Natural cut trees shall be prohibited in all public places, business (B), education (E), mercantile (M), places of assembly (A), Groups I-1, I-2, I-3, I-4, R-1, R-2, R-4 and common areas of multi-family buildings shall not have live Christmas trees or similar products on the premises.
11. Section 607 Elevators - see also 8-12-9
12. Section 903.2 Delete 903.2.1 - 11 and add the following 903.2.
  - a. New Construction: Automatic sprinkler systems shall be installed in all new commercial and industrial occupancies of one thousand five hundred (1,500) square feet or more, gross building area. Automatic sprinkler systems shall be installed in all new health care, institutional, education, hotels, motels, dormitories, non-residential day care, assisted living, high hazard, and bed and breakfast facilities regardless of size.

Automatic sprinkler systems shall be installed in accordance with National Fire Protection Association Standard No. 13, 1999 Edition. The system shall also have the approval of the Fire Marshal or designee in respect to design installation and number of zones.

Provide a strobe above the fire department connection for all sprinkler and stand-pipe systems.

Sprinkler hydraulic designs for all NFPA sprinkler systems shall be designed with a minimum of a five (5) pound difference between sprinkler system design including hose requirements and the available water supply. The five (5) pound safety factor shall be applied to the water flow test after any adjustments for seasonal low.

b. Existing Buildings:

- (1) If a structure is larger than two thousand five hundred (2,500) square feet gross building area and if the structure is enlarged in any manner, a sprinkler system shall be installed.
- (2) If any existing structure is enlarged to two thousand five hundred (2,500) square feet or more gross building area, a sprinkler system shall be installed.
- (3) Interior Alterations: Existing buildings, two thousand five hundred (2,500) square feet or larger gross building area: Interior alterations to an existing structure which are structural or effect any structural member or any part of the structure having a required fire resistance rating and effect ten per cent (10%) or more of the structure shall be evaluated by the Building Commissioner, in conjunction with the Fire Marshal. The Building Commissioner and the Fire Marshal shall determine if fire and life safety have been effected to the degree to necessitate a sprinkler system.
- (4) Change of Occupancy: When there is a change in use or occupancy of an existing building two thousand five hundred (2,500) square feet or larger gross building area; the Building Commissioner in conjunction with the Fire Marshal shall determine if fire and life safety have been effected to the degree to necessitate a sprinkler system.

Sections 903.2.2 - 903.2.11 are not used

Section 903.5 Add Floor Plans A diagram showing area served by control valves shall be submitted. The same diagram shall be placed in the building adjacent to the system risers.

13. Delete sections 907.2.1 – 907.2.9 and add the following 907.2.1

a. Fire Alarm Systems in new construction: A fire alarm system shall be installed in all new assembly, business, educational, factory, industrial, high hazard, institutional, mercantile, storage, utility, miscellaneous, health care, hotel, motel, dormitories, non-residential day care, bed and breakfast facilities, mixed use, and buildings with four or more dwelling units.

- (1) The system shall contain automatic detecting devices, manual pull boxes, horn/strobe, and a remote signaling system connected to the Municipal Alarm Panel.
- (2) The system shall be designed, installed, and maintained according to National Fire Protection Association No. 72 1999 Edition.
- (3) All tamper switches and control valves shall be electronically supervised with the alarm being transmitted to a location approved by the fire official.

- (4) All fire alarm systems, including water flow switches, trouble alarms, and supervisory alarms shall transmit an alarm to a location approved by the fire official.
- b. Fire Alarm Systems in Existing Construction: The listed structures and occupancies shall install an approved fire alarm system with a remote signaling connection to the Municipal Alarm Panel. When there is a change of occupancy, or a modification, alteration, or enlargement of the structure. (\*See exception herein.)
- (1) Residential - Hotels, motels, lodging homes, dormitories and buildings with four or more dwelling units sharing a common area, assembly, health care, factory, high hazard, institutional, utility, miscellaneous, and mixed uses.
  - (2) Schools - All schools with more than thirty students in attendance at one time.
  - (3) Business - All mercantile, industrial or business buildings and any building used for the manufacture, sale or storage of combustible materials.
  - (4) Day Care Facilities other than Home Day Care.
  - (5) Mixed occupancies - Any combination of the listed occupancies or combination of those listed with residential occupancies.

Exceptions: In buildings accessory to the principal use on lot and existing buildings of less than two thousand five hundred (2,500) square feet, the Fire Marshal, with the advice of the Building Commissioner, shall determine the extent of compliance necessary to maintain reasonable life safety.

Sections 907.2.2 - 907.2.9 are not used

14. Section 3308

Fireworks display is amended in its entirety to read as follows: The sale, possession, use and distribution of fireworks for display purposes shall be prohibited within the Village of Island Lake.

15. Section 3401 Flammable and combustible Liquids - see also 8-126.

16. Section Liquefied Petroleum Gases see also [8-12-7](#).

17. Chapter 45 NFPA Standards See [8-12-10](#).

18. Appendices Adopt Appendix A, B delete B105.1 exception, delete B105.2 exception.

#### **8-12-4 WATER SUPPLIES FOR FIRE DEPARTMENT USE**

- A. All newly constructed buildings shall be served by a public water supply meeting the regulations of this code.
- B. Fire hydrants shall be located adjacent to all public roadways or private roadways, fire lanes or accessways that are properly maintained. Hydrants located approximately ten feet (10') from the roadway shall be deemed to meet accessibility for motorized fire apparatus.
- C. Fire hydrants shall have a minimum size of not less than a six inch (6") barrel, five inch (5") operating valve, with two (2) outlets of two and one-half inches (2<sup>1</sup>/<sub>2</sub>") and one outlet of four and one-half inches (4<sup>1</sup>/<sub>2</sub>"). Branch lines serving hydrants shall be provided with auxiliary gate valves.
- D. Water supplies shall be provided for buildings commensurate with the hazards contained therein. Calculations of quantities necessary shall be provided by the designer subject to the approval of the fire marshal.
- E. Construction of new water mains shall be as specified by the village engineer and the fire marshal.

#### **8-12-5 EMERGENCY ACCESS KEYS**

- A. Keys Required: All owners, operators or tenants of buildings containing industrial, commercial, multiple residency units, or a material yard for construction materials are required to furnish to the fire marshal on request, keys to various spaces hereinafter described. Failure to furnish such keys constitutes a violation of this section.
- B. Installation: When access to or within a structure, or an area on said premises, is unduly difficult because of secured openings, and where immediate access is necessary for lifesaving purposes, the fire marshal may require a key box to be installed in an approved location. The key box shall be a type approved by the fire marshal.
- C. Keys Contained: The key box shall contain keys to locked points of egress whether on the interior or exterior of such buildings:
  - 1. Locked mechanical rooms.
  - 2. Locked electrical rooms.
  - 3. Elevator rooms.
  - 4. Other areas directed by the fire marshal.

#### **8-12-6 GASOLINE AND VOLATILE OILS**

- A. Flammable or Combustible Liquid Storage: All flammable or combustible liquids at service stations shall be contained in underground storage tanks. Flammable and combustible liquids at nonservice station operations may be stored underground or aboveground.
- B. Aboveground Storage: Aboveground storage for flammable and combustible liquids shall meet the following minimum standards in addition to those standards set forth by the Illinois administrative code, title 41, chapter 1, parts 160, 170 and 180:

1. The tank shall be fire resistive and have the ability to withstand a liquid pool fire generated by its maximum capacity spill.
  2. The tank assembly shall have a minimum of a two (2) hour fire rating.
    - a. The tank shall carry an approved testing agency listing.
    - b. The installation of tanks within buildings shall be strictly prohibited.
    - c. Clearance shall be provided beneath the tank or tank assembly so as to permit visual inspection.
    - d. Tanks shall be provided with overfill protection.
    - e. All exposed fuel piping shall be within a secondary containment pipe or system.
    - f. Aboveground tanks shall have a maximum capacity of two thousand five hundred (2,500) gallons.
- C. Construction Site Storage: All storage of flammable and combustible liquids shall meet the following minimum requirements:
1. An inspection shall be made by the fire marshal prior to operation.
  2. All tanks shall be secured in a chainlink fence at least six feet (6') in height, secured by lock and key.
  3. There shall be a minimum ten foot (10') distance between the tank(s) and the fence on all sides.
  4. All dispensing valves shall be secured by lock and key.
  5. All storage shall be in steel tanks specifically designed for flammable liquid storage and dispensing and the tank(s) shall carry an approved testing agency listing.
  6. All storage tanks shall be of the aboveground "stand type" or the aboveground "skid types".
  7. No site shall have more than one thousand (1,000) gallons of flammable liquids and one thousand (1,000) gallons of combustible liquids. Each tank shall be no more than five hundred (500) gallons.
  8. All construction site storage shall comply with Illinois administrative code, title 41, chapter 1, applicable parts 160, 170 and 180.
- D. Equivalency: Nothing in this chapter is intended to prevent the use of systems, methods or devices of equivalency or superior quality, strength, fire resistive, effectiveness, durability and safety over those prescribed by this code, provided technical documentation is submitted to the fire marshal to demonstrate equivalency and the system, method or device is approved for the intended purpose.
- E. Enforcement: The fire marshal shall enforce the regulations adopted in this chapter.

## **8-12-6 LIQUEFIED PETROLEUM GAS; REGULATIONS; USE; PERMIT**

- A. Storage And Handling: Standards for storage and handling of liquefied petroleum gases as contained in the 1995 edition of standard no. 58 by the National Fire Protection Association are mandatory and are adopted and incorporated by this reference. Any person, firm or corporation storing or handling such products shall comply with the foregoing standards and failure to comply with said standards is prohibited.
- B. Installation Standards: Standards for the installation of gas appliances and gas piping as contained in the 1996 edition of the National Fire Protection Association are mandatory and are adopted and incorporated by this reference. Any person, firm or corporation handling such products shall comply with the foregoing standards and failure to comply with said standards is prohibited.
- C. Installations Must Be In Compliance: The installation of containers by every person, firm or corporation making such installation and the design, construction and location of such containers and pertinent equipment, shall be in compliance with this chapter. In any instance where a container of approved construction or design has been used to contain anhydrous ammonia or any other product, the container shall be thoroughly purged of the other product before it is placed into service for liquefied petroleum gas and a tag attesting to the thorough purging of the container shall be placed near the fill valve of the container before liquefied petroleum gas is placed into the container.
- D. Maximum Container: The maximum allowable size container used for distribution of liquefied petroleum gas in an industrial zoning district shall be one thousand (1,000) gallons of water capacity. The total aggregate of all fixed containers on site in an industrial zoning district shall be no more than one thousand (1,000) gallons of water capacity.

The maximum allowable size aboveground container used for distribution of liquefied petroleum gas in an industrial zoning district shall be one thousand (1,000) gallons of water capacity. The total aggregate of all fixed aboveground containers on site in an L1 zoning district shall be no more than one thousand (1,000) gallons of water capacity.

- E. Fixed Installations: Plans for fixed installations shall be submitted to the fire marshal prior to construction. Plans must show the following: the plot of ground to be utilized and its immediate surroundings on all sides, the complete layout of the tanks, the capacity of each tank, the type of tank, supports, type of construction of each building and all clearances.
- F. Protective Requirements: At fixed installations, the facilities shall be enclosed with a protective fence and crash posts as specified by the fire marshal. Where these facilities are located at an establishment completely enclosed by fencing equivalent to that hereinafter set forth, an additional enclosure for facilities within the establishment shall not be required, except that such container facilities shall be enclosed or encircled by a guardrail or by posts six inches (6") or more in diameter set in firm ground to a depth of at least twenty four inches (24") and rising aboveground to a height of thirty inches (30") or more set at intervals of not more than four feet (4') center to center.

Building, walls or buildings that are part of the establishment and are so located together with adjacent fencing to enclose the facilities shall be acceptable as a portion of any necessary fencing.

- G. Lighting: Lights conforming to National Fire Protection Association standard no. 58, 1995 edition will be provided to illuminate storage containers, control valves and other equipment.

- H. Operation: Operation of the installation is prohibited until final inspection and approval.
- I. Service Prohibited: No suppliers shall service any installation not in compliance with the law.
- J. Personnel Must Be Properly Trained: Personnel performing installation, service, operation and maintenance work must be properly trained in such work. The training course(s) must be approved by the fire marshal. Those persons successfully completing such courses must conspicuously post a completion certificate at the tank location.
- K. Dispensing Of Gas: No person other than the trained attendant may dispense any liquefied petroleum gas.
- L. Age Requirements: No person under the age of eighteen (18) may dispense any liquefied petroleum gas. No person under the age of sixteen (16) may be dispensed to.
- M. Portable Tank: Maximum size portable tank to be filled shall be sixty (60) gallons. There shall be no vehicular filling.
- N. Incorporated By Reference: In addition to the aforementioned requirements, this chapter shall adopt and incorporate by reference title 41 of the Illinois administrative code, chapter 1, part 200, state fire marshal: storage transportation, sale and use of liquefied petroleum gas, as in effect June 1, 1984.
- O. Annual Permit: No person or corporation shall handle, store or dispense liquefied petroleum gas without first obtaining an annual permit in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code. The term of the annual permit shall be from May 1 to April 30 of the following year. No permit for liquefied petroleum dispensing shall be issued by the mayor and board of trustees unless the person(s), corporation, or business applying thereto shall have first procured public liability insurance in an amount of not less than one million dollars (\$1,000,000.00) for injuries, including accidental death, to any one person for each occurrence and three million dollars (\$3,000,000.00) aggregate and not less than one million dollars (\$1,000,000.00) for property damage for each occurrence and not less than three million dollars (\$3,000,000.00) combined single limit for bodily injury and property damage. The policy coverage shall include comprehensive form, premises-operations, explosion collapse hazard, fire hazard, products completed operations, broad form property damage and independent contractors. The persons or parties to be indemnified and save harmless under the policy shall be the village and its officials and employees, Wauconda fire department officials and employees, customers, vendors and the public in general. A certificate of said insurance shall be filed with the village collector, showing a minimum duration of one year to be renewed when necessary, as determined by the village collector.

## **8-12-7 HAZARDOUS MATERIALS RESPONSE**

- A. Definitions: As used in this chapter:

**EMERGENCY ACTION:** Any action taken at or near the scene of a hazardous materials incident to prevent or minimize harm to human health, to property, or to the environment from the release of hazardous material, including responding to fires or explosions which are caused by or arise from the hazardous materials incident.

**EMERGENCY RESPONSE AGENCY:** Village of Island Lake and Wauconda fire department.



**HAZARDOUS MATERIAL:** A substance or material in a quantity and form determined by the United States department of transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce.

**HAZARDOUS MATERIALS INCIDENT:** An occurrence involving the potential or actual release of a hazardous material.

**PERSON:** An individual, a corporation, a partnership, an unincorporated association or any unit of federal, state or local government.

**RESPONSIBLE PARTY OR RESPONSIBLE PARTIES:** A person or persons who:

1. Owns or has custody of hazardous material that is involved in an incident requiring emergency action by an emergency response agency.
2. Causes or substantially contributes to the cause of the incident.

**B. Reimbursement To Emergency Response Agencies:**

1. The responsible party or parties shall reimburse the village and any other governmental agency or private entity providing any emergency action at the village's request for all costs incurred in providing such emergency action.
  2. Costs shall include, but are not limited to, costs of material and supplies, contract labor and materials, compensation of personnel benefits, defined fringe benefits and overhead or administrative costs, equipment rental, cleanup expenses and the like.

**C. Determination Of Emergency Action:** The fire chief, or in his absence his next in command, shall have the authority to determine if an incident requires emergency action, and to use his judgment as to the nature and extent of the services to be provided by the village and fire department within the capabilities, and whether to utilize governmental agencies or private entities to provide emergency action.

**D. Notification of Reimbursement:** Within ninety (90) days after providing emergency action, the village shall notify the responsible party or parties of the village's claim for reimbursement and shall furnish an itemized listing of costs occurred. Furnishing such an itemized list shall be deemed a request for reimbursement.

1. If the responsible party or parties, as the case may be, do not reimburse the village within thirty (30) days after receipt of such claim for reimbursement, then the village is authorized to file suit in the circuit court of Lake County or in any county where any responsible party resides to collect the amount due.
2. The village is authorized to file suit on its own behalf and on behalf of any other governmental agencies or private entities who were requested to provide emergency action.
3. Amounts due from responsible party or parties shall bear interest at the rate of ten percent (10%) per annum from the date of the emergency action until paid.
4. In addition to all other amounts to which it is entitled, the village shall also be entitled to recover reasonable attorney fees and all costs incurred in enforcing its rights under this chapter.

## 8-12-8 ELEVATORS

- A. Section 607.0 Elevators, add the following new section to the current accepted international codes:
1. Smoke detectors shall be installed in each elevator lobby front and rear at each floor, elevator shaft and machine room. Smoke detectors installed shall perform local control functions and be part of the fire alarm system. The detector shall, upon activation, perform the intended function and activate the alarm notification devices or activate a visible and audible supervisory signal at a constantly attended location. In buildings not required to be equipped with a fire alarm system, the automatic detector shall be powered by normal electrical service and, upon actuation, perform the intended function. The detectors shall be located in accordance with NFPA 72 listed in chapter 45.
  2. The emergency operation shall be activated by any smoke detector in elevator lobbies front and rear, elevator shaft and machine room. The detection installation shall consist of two cross zoned smoke detectors within the elevator lobbies, shaft and machine room or a smoke detector monitored by an alarm verification zone or approved equivalent method.
  3. When an elevator is required by this code or the adopted codes and standards, one elevator to be used in all new buildings shall be sized for stretcher use by the fire department. Minimum size to be two thousand five hundred (2,500) pounds with a clear inside dimension of six feet eight inches (6'8") wide by four feet three inches (4'3") deep with a forty two inch (42") side slide door.
  4. Emergency signs shall be changed to read: A pictograph sign of an approved standard type (Appendix H, Figure H1, page 314 ASME A17.1) shall be posted over each elevator call station on all floors front and rear, indicating that in cases of fire, the occupants shall not use the elevators and that stairways are the approved method of exit.
  5. The above requirements do not apply to platform or wheel chair lifts, which do not serve more than two levels or travel more than 12 feet.

## 8-12-10 NFPA STANDARDS

Add the following standards with the edition indicated or change to the edition indicated:

NFPA 12-2000  
NFPA 13-1999  
NFPA 13D-1999  
NFPA 13R-1999  
NFPA 14-2000  
NFPA 15-2001  
NFPA 18-1995  
NFPA 20-1999  
NFPA 25-2002  
NFPA 30-2000  
NFPA 30A-2000  
NFPA 31-2001  
NFPA 32-2000  
NFPA 33-2000  
NFPA 34-2000  
NFPA 35-1999  
NFPA 36-2001  
NFPA 40-2001  
NFPA 45-2000

NFPA 50-2001  
NFPA 51-2002  
NFPA 51A-2002  
NFPA 51B-1999  
NFPA 72-1999

#### **8-12-11 SMOKE DETECTORS REQUIRED IN ALL RESIDENCES**

- A. New Construction: Smoke detectors shall be installed and maintained in all newly constructed residential structures pursuant to the international building code and international residential code. At least one smoke detector shall be installed on each level of the residence, including the basement. A smoke detector shall be installed in each sleeping area and also in the immediate vicinity outside of sleeping area. A CO detector shall be installed in the immediate vicinity of the sleeping area.
- B. Existing Residences: Smoke detectors shall be installed and maintained in operable condition at all times in all existing residences within the village. At least one smoke detector shall be installed on each level of the residence, including the basement. A smoke detector shall be installed in each sleeping area and also in the immediate vicinity outside sleeping area. Smoke detectors per the international building or residential code when a residence is remodeled, renovated, or rebuilt. A CO detector shall be installed in the immediate vicinity of the sleeping area.

#### **8-12-12 PENALTY; OTHER REMEDIES**

The remedies provided shall be in addition to any other remedies provided by law.

- A. Nothing in this chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this chapter; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this chapter.
- B. All ordinances or parts of ordinances in conflict herewith to the extent of such Conflicts are hereby repealed.
- C. If any provision, clause, sentence, paragraph, section, or part of this chapter or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which said judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.
- D. That any person, firm or entity violating the terms and conditions of this chapter shall be subject to a fine in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code with each and every day that the violation is allowed to exist constituting a distinct and separate offense under the terms of this chapter. In addition, the corporate authority may take whatever action it deems appropriate to enforce the terms of this chapter, including the action for injunction.

All attorney fees and costs incurred by the municipality in enforcing the terms of this chapter shall be paid by the violator.

## Chapter 13

### **RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION**

#### **8-13-1 DEFINITIONS**

Unless otherwise expressly stated or clearly indicated by context, the following terms as used in this Chapter 13 shall have the meanings indicated in this section:

*Code:* The Municipal Code of the Village of Island Lake, as amended, all village rules, regulations, and policies, and all state laws, rules, regulations, and policies.

*Village official:* The Mayor of the Village of Island Lake or the Mayor's designee.

*Dwelling Unit:* A building or portion thereof designed to be used as a residence; a single unit providing complete independent facilities for the exclusive use of a person or persons, including, but not limited to, provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall not include motels, hotels, nursing homes, or hospital patient housing.

*Initial inspection:* The first inspection of a dwelling unit for the purpose of determining compliance with the code.

*Let for occupancy or let:*

To permit, provide or offer possession or occupancy of a dwelling unit to a person who is or who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, license, or similar instrument, or pursuant to a recorded or unrecorded agreement or contract of sale for the premises.

*Occupant:* A person occupying a dwelling unit or using the property as a legal address for any purpose.

*Owner:* Any person, agent, operator, firm, or corporation having a legal or equitable ownership interest in a property.

*Person:* A corporation, firm, partnership, association, organization, or any group acting as a unit or legal entity, as well as a natural person.

*Property agent:* A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner on the owner's Residential Rental Property Registration application.

*Re-inspection:* Any inspection of a residential rental property that occurs after the initial inspection.

*Residential rental property:* Any dwelling unit let for occupancy to a person or persons for any amount of rent or compensation and for use as a dwelling unit.

#### **8-13-2 PROHIBITED CONDUCT.** It is unlawful for any person to:

- A. Lease or operate a Residential Rental Property without first registering it with the Village of Island Lake and complying with the provisions of this Chapter, together with other applicable codes and ordinances of the Village of Island Lake.
- B. Occupy a Residential Rental Property that is not currently and validly registered with the

Village of Island Lake.

- C. Permit a Residential Rental Property to be used in a manner that constitutes a public nuisance after (1) having received written notice from the village or any other governmental entity that the use of the rental dwelling constitutes a public nuisance and (2) having failed to take action to terminate the public nuisance after receipt of notice of such condition.

**8-13-3 RESIDENTIAL RENTAL PROPERTY REGISTRATION – CONDITIONS AND TERMS**

- A. Residential Rental Property Registration will remain valid until the sooner of any of the following occurs:
  - 1. The village revokes or suspends the registration in accordance with the Chapter 13;
  - 2. The second July 1st after the registration has been approved.
  - 3. The Residential Rental Property is damaged or destroyed to the extent that it is no longer habitable; or
  - 4. A change in tenancy.
- B. Registration may not be transferred between owners.
- C. Registration may not be transferred from one Residential Rental Property to another.
- D. Registration may be denied or may be revoked by the Village of Island Lake as provided in this article.

**8-13-4 RESIDENTIAL RENTAL PROPERTY REGISTRATION – APPLICATION**

- A. Owners shall complete a Rental Unit Registration Application on a form provided by the village and provide all other information reasonably requested by the village. At a minimum, owners shall provide the following information for each Residential Rental Property:
  - 1. Owner's legal name, address, telephone number, and email address;
  - 2. Emergency contact information including a name, cell phone number, email address, and home address;
  - 3. Indicate who performs maintenance on the residential rental property. In the event that maintenance is performed by a Property Maintenance Company or Manager, include the Company or Manager's name, cell phone, email address, and home address;
  - 4. The address of the residential rental property;
  - 5. The residential rental property's square footage, number of bedrooms, number of bathrooms, and whether there is an attached garage.
  - 6. Whether the residential rental property contains a finished basement. If the residential rental property does contain a finished basement or an attic, the Owner shall indicate the number of bedrooms and/or bathrooms in those locations;
  - 7. The address of any and all other residential rental property owned by Owner located in the Village of Island Lake; and

8. The legal name of each residential rental property's adult occupants.
- B. Every Applicant shall pay an application fee as set forth in the annual fee ordinance contained in section 1-16-3.
- C. An owner shall submit a revised application to the village within 30 days of any modification to the information the owner previously provided on the registration application.
- D. Applications for Rental Unit Registration shall be filed within one hundred twenty (120) days of the effective date of this Chapter 13. Thereafter, applications for Rental Unit Registration shall be filed at least thirty (30) days before Rental Unit Registration's expiration.
- E. Owners that fail to submit a Rental Unit Registration Application in accordance with the timeframes set forth in 8-13-4 shall be required to pay a late application fee as set forth in the annual fee ordinance contained in section 1-16-3.

#### **8-13-5 INSPECTIONS**

- A. Upon submitting a Rental Unit Registration Application, the owner shall schedule with the village an inspection of the residential rental property.
- B. Each inspection made by the village official shall be for the purpose of determining compliance with the code.
- C. The village official shall approve a Rental Unit Registration Application only upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants and the residential rental property is otherwise fit for occupancy. If such findings are not made, the village official shall issue notice to comply to the owner or property agent. Upon re-inspection and evidence of compliance, the village official shall approve the Rental Unit Registration Application.
- D. The village official shall approve a Rental Unit Registration Application on the condition that the residential rental property remains in a safe, habitable, and code-compliant condition. If upon re-inspection the village determines that conditions exist, such as a failure to comply with section 8-12-11, which constitute a hazard to the occupants' health or safety, the village may immediately suspend or revoke the Rental Unit Registration by mailing notice to the owner or property agent.
- E. The village official may conduct periodic inspections of all residential rental property to ensure compliance with this article and the Village Code as a whole.
- F. The village official shall provide notice of the inspection to the owner and at least one of the occupants of the dwelling. Notice shall be given to the owner of record or the beneficial owner of the dwelling by either mailing notice to the address of the person or entity to whom real estate tax bills are mailed or by hand delivery to the owner. Notice shall be given to the occupant(s) by mailing the notice to the address of the dwelling to be inspected or by hand delivery of the notice to an occupant who is 14 years of age or older or by posting the notice on the front door of the dwelling.
- G. An inspection shall be conducted only if an occupant, who is 18 years of age or older, has given their consent to the inspection at a time agreed upon by the village official. In the event that the Residential Rental Property is unoccupied, the owner shall give consent to the inspection at a time agreed upon by the village official.
- H. In the event an owner, property agent, or occupant of a residential rental property refuses

consent to the inspection, schedule a time to inspect the residential rental property, or otherwise fails to comply with the code, the village reserves all remedies to secure compliance with this Chapter 13, including, without limitation, seeking an administrative search warrant or suspending or revoking an owner's Rental Unit Registration.

- I. Violations discovered during inspection shall be identified in a written notice to the owner or the property agent. If the identity of the owner cannot be readily ascertained, the notice shall be mailed to the last taxpayer of record shown on the records of the McHenry or Lake County Treasurer. Violation notices shall be mailed to the owner or property agent within thirty (30) days of their discovery by the village official.
- J. The village official shall complete as many re-inspections as are reasonably necessary to ensure that appropriate corrective action has been taken to bring the residential rental property into compliance with the code. If a re-inspection is conducted by the village, the owner shall pay a fee in the amount set forth in the annual fee ordinance as contained in section 1-16-3.
- K. Nothing in this Chapter 13 shall restrict, limit, or alter the village's authority to inspect any property nor impose penalties for violations of the code.

#### **8-13-5 APPEALS**

- A. Any person receiving a violation notice pursuant to this Chapter 13, and any person whose Rental Unit Registration Application is denied, or any person whose Rental Unit Registration has been suspended or revoked shall have the right to appeal to the village board. Such an appeal shall be in writing and filed with the village official within 14 days of the date of the village official's action. The appeal shall contain a complete statement of the reasons for the appeal, the specific facts supporting the appeal, and all evidence the appellant intends to rely on to support the appeal.
- B. The village board shall schedule a meeting to consider the appeal within 30 days of receiving the appeal. The village board may consider all facts, evidence, and testimony presented by the appellant and the village official, and all other information the village board determines to be relevant to the appeal.
- C. The village board shall send written notice of its decision to the owner within 30 days of hearing the appeal and its decision shall be a final administrative decision.

#### **8-13-8 EFFECT ON EXISTING RESIDENTIAL RENTAL PROPERTY**

Owners of residential rental property with leases which began before the date this section was adopted shall be required to submit a Rental Unit Registration Application, but will be exempt from the initial inspection.

#### **8-13-9 NO WARRANTY OF HABITABILITY**

The approval of a Residential Rental Property Registration application shall not be construed as a warranty of habitability of the dwelling unit or any guarantee to the registrant or any occupant of the rental dwelling that the rental dwelling is free from all violations of all applicable property maintenance laws, ordinances, or regulations. Nothing in this article shall be construed as creating a duty of obligation of the village or its village official or agents and employees to any individual registered owners or occupant of or visitor to a rental dwelling.

#### **8-13-10 PENALTY**

- A. The village official may suspend, revoke, or refuse to renew the Residential Rental Property Registration held by the owner or person in charge of a rental dwelling who violates this Ordinance or any other ordinance of the Village of Island Lake.



*B.* In addition to any other remedy, including, without limitation, remedies at law and in equity, any person violating the terms of this Chapter 13 shall be fined not more than \$750.00 for each day the violation continues, nor less than \$100 for each day the violation continues, and shall be liable for the Village's attorney fees relating to the prosecution and enforcement of these provisions. Each day a violation continues shall be a separate offense.

## Chapter 14

### LANDSCAPING AND TREES

#### 8-14-1 INTENT AND SCOPE

It is the intent of this chapter to establish regulations limiting the removal and insuring the replacement of trees from all public and private property within the village and in doing so safeguard the ecological and aesthetic environment of the community and protect property values. These regulations are further intended to dissuade the unnecessary and arbitrary clearing of land so as to preserve the existing natural vegetation. Village review of the required landscape plan shall not commence until the Tree Inventory and Tree Preservation Plan as outlined herein are submitted in an acceptable format

#### 8-14-2 PROVISIONS:

- A. Applicability: These regulations shall apply, unless otherwise noted, to all developments, substantial redevelopments, or changes in use requiring technical review by the village, except detached single family residential lots whether improved or unimproved and commercial nurseries.
- B. Procedure.
  - 1. Approval: No deciduous tree having a trunk diameter of six (6) inches or greater as measured at four and one half (4 1/2") feet above ground level, hereinafter referred to as Diameter Breast Height (DBH), or evergreen tree measuring twelve (12) feet or more in height shall be removed without a Tree Removal Permit from the village building inspector or his/her authorized designee.
    - a. Exception, Emergency: A tree removal permit is not required when removal is necessary due to an emergency, immediate threat to a person, property or the community and where such emergency renders compliance with the permit process unreasonable. The individual who removes the tree shall first attempt to call the village building inspector (or duly authorized agent) to obtain field permission to remove the tree. If permission cannot be obtained due to the unavailability of village staff, the tree may be removed, provided the person removing the tree notifies the building inspector within forty eight (48) hours of the removal of the tree and submits a tree removal application as set forth herein.
  - 2. Permit Fee: A fee of one hundred dollars (\$100.00) shall be charged for each tree removal permit to cover the cost of staff review. A single permit may authorize the removal of more than one tree, but shall only apply to a single parcel of land.
  - 3. Conditions for permit approval: The building inspector may approve an application for a tree removal permit. Only under one or more of the following circumstances will the staff review fee be waived and tree replacement not be required:
    - a. Safety Hazard: The tree poses a safety hazard to persons, property or the community which cannot be remedied by proper tree pruning techniques alone.
    - b. Diseased or weakened trees: If the tree is substantially diseased or weakened by age, storm, fire or other injury. Trees intentionally damaged or injured in any way are excluded. A report from a licensed Illinois arborist may be requested by the building inspector if deemed appropriate.

- c. Observation of Good Forestry Practices: If removal of one or more specified trees is in accordance with good forestry practice as determined by an Illinois licensed arborist and approved by the village building inspector or his/her designee(s).
  - d. A Final Landscape Plan and a Tree Preservation Plan have both been approved for the property.
4. Application: The written application shall consist of a description of the tree(s) proposed for removal and supporting justification. The description shall include a plat of survey showing the location, size, crown spread, type, and condition of each tree to be removed and the location of proposed improvements. Size of evergreen trees shall be measured by height in feet.
  5. Fine: in addition to providing or paying for replacement trees in accordance with section G, violators of this section may be fined \$100.00 per caliper inch for each tree removed without, or in violation of a permit or preservation plan. If said tree has already been removed, diameter remaining stump will be used to determine the size in order to assess a penalty. Each tree removed shall constitute a separate offense.
- C. Applicability: All developments, substantial redevelopments, or changes in use requiring technical review by the village shall contain a Tree Preservation Plan, except detached single family residential lots whether improved or unimproved. No vegetation protected by this ordinance shall be removed prior to compliance with the procedures set forth in section B. If no deciduous trees six inches in DBH or larger exist on the site, the developer shall include a certification on the Landscape Plan prepared by a licensed Landscape Architect stating that no such trees exist on the property.
  - D. Tree inventory: A tree inventory prepared by a licensed Landscape Architect or Licensed Arborist shall be submitted at the time of technical review indicating the location, elevation, size, crown spread, type, and condition of all deciduous trees located on the parcel with a diameter of six (6") inches or greater at Diameter Breast Height (DBH) and all evergreen trees located on site with a size of twelve (12') feet or greater. Size of evergreen trees shall be measured by height in feet. All trees shall be tagged with a metal one (1") inch disk numbered to correspond to the tree inventory.

The following rating system shall be used to evaluate existing vegetation:

Rating:

- 1 = Worst Condition: A rating of one (1) is given to a tree that has a majority of deadwood, extensive sweep or lean, diseased or damaged by insect pests and larvae, lightning damage, split or other physical damage.
  - 2 = Bad Condition: A rating of two (2) is given to a tree that has some deadwood, minor sweep or lean, distorted shape, trunk or bark damage, multi-stems, or poor physical condition.
  - 3 = Typical Condition: A rating of three (3) is given to a tree that is average in condition, form, physical state, appearance and health.
  - 4 = Above Average Condition: A rating of four (4) is given to a tree of desirable species that has little or no damage, fairly straight, sound shape and form, and is in good overall physical quality.
  - 5 = Excellent Condition: A rating of five (5) is given to a tree that is excellent in appearance, condition and form, appearing to have well-developed root system, balanced branching and healthy. A tree with a rating of five (5) is a desirable species worth preserving.
- E. Tree Preservation Plan: A Tree Preservation Plan prepared by a licensed Landscape Architect or Licensed Arborist using a plat of survey shall be submitted at the time of technical review that indicates the location, elevation, size, crown spread, type, and condition of each tree designated to be removed and each tree to be preserved which is located within twenty five (25') feet of any proposed improvement or construction activity

and the methods to be used to preserve such trees. For remaining trees to be preserved, only the location of the trees is required.

The tree preservation plan shall specify the following:

1. Location of preserved trees keyed into the Tree Survey.
2. Proposed grading with one (1') foot contours.
3. Location of the tree preservation fencing as required in this article.
4. Crown spread of preserved trees.

F. Integration of proposed improvements with existing vegetation: Subject to the determination of the village building inspector or his/her authorized designee; every reasonable effort shall be made to integrate proposed development with existing vegetation. The village building inspector may require changes to the site plan and/or grading plan if in his/her opinion an alternate but equivalent plan retaining the same intensity of use will lessen the impact on existing desirable vegetation or other natural features. In the event that underground utilities are proposed within five (5') feet of the trunk of a tree, the auguring of the utility line should be considered and may be requested by the village.

G. Tree Replacement Required: Any tree intended to be removed or unintentionally removed or damaged during construction including evidentiary compaction or disturbance of root zone within the drip line shall be replaced at the petitioner's expense, with nursery-grown stock as herein prescribed.

Replacements for evergreen trees shall be deciduous nursery-grown stock at a rate of one caliper (1") inch for each two (2') feet in height of removed or razed tree unless otherwise approved by the village building inspector or his/her designee(s).

Except when a tree designated for removal is one of the following species such tree shall be replaced with one replacement tree from the list of species provided herein. Buckthorn (*Rhamnus cathartica*), Cottonwood (*Populus deltoids*) Poplar (*Populus*), Box Elder (*Acer negundo*), Siberian Elm (*Ulmus pumila*), Tree of Heaven (*Ailanthus altissima*), Willow (*Salix*), Mulberry (*Morus alba*), Osage Orange, (*Maclura pomifera*) or Russian Olive (*Elaeagnus angustifolia*).

Replacement Equivalents:

Trunk size of removed Tree (in DBH) Number of 3" Caliper replacement Trees

4"-9"	1
10"-15"	2
16"-21"	3
22"-27"	4
28"-33"	5
34" or greater	6

1. Trunk sizes: The trunk size trees designated for removal shall be expressed in DBH (Diameter at Breast Height) at four and one half (4 1/2') feet above the ground. All replacement trees shall be measured in Caliper (diameter) at six (6") inches above ground.

2. Minimum Size of Replacement trees: All replacement trees shall have a minimum caliper of three (3") inches when planted.
- a. Replacement Trees: Replacement trees shall be healthy and of a quality and species as outlined herein, approved by the building inspector (or authorized agent) and planted in accordance with accepted landscaping practices, or with planting guidelines adopted by the village.

All replacement trees shall be certified by the State or Federal Department of Agriculture to be free from hazardous insects and apparent disease.

Trees shall meet the standards of "American Standards for Nursery Stock," ANSI Z60.1-1990, (or more recent) of the American Association of Nurseryman.

Trees shall be high-quality nursery grown stock. Substandard "B-grade" or "Park grade" trees are not acceptable.

Trees shall have been grown in a climate zone similar to Island Lake, Illinois i.e., United States Department of Agriculture (or most recent USDA zone hardiness map) zone 4 or 5. Trees from zone 6B or more, i.e. warmer climate zones are not acceptable.

Plants shall be in a healthy, vigorous condition, free of dead or broken branches, scars that are not completely healed, frost cracks, disfiguring knots, broken or abraded bark, redundant leaders or branches, rubbing branches, or aberrations of any kind. Plants shall not have multiple leaders, unless this is the natural form; multi-stem trees are not acceptable. Plants shall have full, even, well developed branching and a dense, fibrous, and vigorous root system. Trees grown in soil with greater than forty (40%) percent sand content will not be allowed. Minimum root ball top diameter for all three (3") inch caliper parkway trees shall be thirty two (32") inches. Written evidence of compliance with source requirements may be required at time of installation.

- b. Applicant shall be solely responsible for the care and feeding of all replacement trees for a period of two years from the planting date. If said replacement tree(s) die(s) within two (2) years of planting, it must be replaced promptly with a tree(s) of the same size and variety as the original replacement.
- c. Species of replacement trees: All replacement trees shall be limited to the following except by written approval of the village building inspector or his/her authorized designee(s):

TABLE INSET:

<b>Botanical Name</b>	<b>Common Name</b>
Acer freemanii cultivars (cv's.)	Freeman maple
Acer nigrum 'Green Column'	Green Column black maple
Acer saccharum 'Green Mountain'	Green Mountain sugar maple
Acer saccharum 'Legacy'	Legacy sugar maple
Celtis occidentalis and cv's	Hackberry
Quercus bicolor	Swamp white oak
Quercus macrocarpa	Bur oak
Quercus rubra	Red oak
Tilia Americana and cv's	American Linden
Tilia H 'Redmond'	Redmond linden

- d. Stump measurement. In the event trees are destroyed or removed, leaving no evidence for measurement at DBH, tree size will be measured at the stump diameter and said measurement used to calculate replacement requirements.
  - e. Failure to replace trees. If replacement trees are not planted within six months (weather permitting) after the removal of a tree with a permit, or as replacement in violation of this ordinance, the Village of Island Lake may at its discretion demand a tree replacement fee in lieu of actual tree replacement. Fee shall be in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code per caliper inch.
  - f. Tree Replacement Fee: Applicant may voluntarily opt to pay the village a tree replacement fee in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code per caliper inch of replacement tree value, in lieu of replacing trees. Funds will be used expressly for tree acquisition, replanting within the village or removal of nuisance trees at the discretion of the village board.
  - g. Fine: In addition to providing or paying for trees, violators of this section may be fined in the amount set forth in the annual fee ordinance contained in section 1-16-3 of this code per caliper inch for each tree removed without, or in violation of a permit or preservation plan. If said tree has already been removed, diameter of remaining stump will be used to determine the size in order to assess a penalty.
- H. Amended plans: If final engineering review or field conditions during construction necessitate changes to an approved tree preservation plan, said plan shall be revised and submitted to the village building inspector for his/her review, minor changes, and approval. The amended landscape plan shall note the location, size, and type of all proposed replacement trees in accordance with the requirements of this Ordinance. Substantial changes as determined by the village board require the approval of the village board.
- I. Preservation techniques:
- 1. Installation of temporary protective barriers: Prior to any construction activity, the developer shall install highly visible, durable fencing a minimum of four (4') feet in height and shall be securely attached to driven steel posts spaced a maximum of eight (8') feet apart for tree(s) designated to be preserved which is/are located within twenty-five (25') feet of any proposed improvement, excavation, or change in grade. Location of the proposed fencing shall be shown around each tree on the tree preservation plan.
    - a. For protected trees less than twelve (12") inches DBH, fencing shall be installed at the drip line of the tree to be preserved.
    - b. For protected trees greater than twelve (12") inches DBH, fencing shall be installed at one (1') foot diameter distance from the tree trunk in every direction for every one (1') inch of DBH of the tree to be preserved
  - 2. Materials, equipment, and processes detrimental to trees. No materials, site debris, vehicles, or construction equipment, shall be located at any time within the drip line or protected zone of any tree designated to be preserved on methodology. If, in the opinion of the building inspector or his/her designee(s), techniques and procedures specified as part of the approved tree preservation plan were not undertaken in a timely matter or adequately maintained during the construction period, a stop work order may be issued until such time compliance is achieved.

**8-14-2 PENALTIES**

In addition to any other fine or penalty set forth in this chapter, any person violating any provision of this chapter shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code, and each day upon which a violation occurs continues shall be deemed a separate offense.