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Article 1 - General Regulations

1401 Permits and Scope of Regulations

It is hereby required that a permit be obtained in advance and all other requirements of the Building Ordinance be complied with whenever a building or structure, or parts of appurtenances thereof, including but not limited to water supply, sewage disposal, plumbing installation and electrical installation, which are regulated by this ordinance, is erected, installed, altered, converted, remodeled, structurally repaired, moved demolished or changed.

All buildings and structures, and parts and appurtenances thereof, both existing and hereafter erected or installed shall be so maintained that the occupants and users thereof and others are reasonably safe from the hazards of fire, explosion, collapse, contagion and spread of infectious disease. If found not so maintained, the necessary corrective work, repair, replacement, or removal may be ordered.

These rules and regulations set forth requirements which are considered reasonable and are held in every instance to be the minimum for the promotion of public health, safety, and general welfare.

Any interpretation of the Building Code by the Building Officer whereby a permit is denied based upon such interpretation, may be appealed by the permit applicant, at his expense, to the Village Board. The decision of the Village Board shall be binding. Such appeals shall be based only on a dispute as to interpretation of a specific portion, or portions, of the Building Code.

1402 Rules Adopted by Reference

The previously published books or pamphlets described and referred to in this ordinance and the regulations and standards contained therein or in the described portions thereof, modified in some cases as noted herein, are hereby adopted by reference and made a part of this Building Ordinance. In the event of a conflict between this ordinance or any part thereof, and such regulations and standards adopted by reference, the provisions of this ordinance shall govern and prevail.

1403 Adoption of ICC Codes in Yearly Supplements

A certain document, three copies of which are on file with the office of the Village Clerk of the Village of Spring Grove, being marked and designated as International Building Code 2009 edition, as published by the International Code Council, and all yearly supplements published after 2009, are hereby adopted as the Building Code of the Village of Spring Grove, McHenry County, Illinois, 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 and all yearly supplements published thereafter, are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance. (*Revised Ord. 2011-04*)

1407 Expiration of Permit

All building permits issued for any purpose shall expire no later than 1 year from date of issuance unless expressly stated in writing on the permit. Failure to complete the work which is the subject matter of the permit within 1 year from the date of issuance of the permit shall be deemed a violation by the person, firm or corporation indicated on the permit and shall be deemed a violation by the owner of the property which is the subject of the permit. Failure to complete all work within the above time period will result in the forfeiture of all bond money as required herein unless an extension is granted in writing by the Building Inspector. An extension of the time period shall be limited to 90 days. (*Revised Ord. 2011-04*)

1408 Building Permit Fees and Bonding Requirements

No permit shall be issued by the Building Inspector until the fees hereinafter prescribed have been paid to him. Each permit shall show the owner's name, the location of the premises, the operations involved, and a receipt for the total amount paid. The fees to be paid for permits are set forth in Appendix D.

1409 Violations

Any person who violates or neglects or refuses to comply with the requirements of this Article shall be fined not less than \$25.00 and not more than \$750.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

1410 Relationship to Other Ordinances

Nothing herein contained shall be deemed or construed to modify or alter the provisions of any other chapter of the Municipal Code. In the event of a conflict between the requirements of this Chapter and those of any other chapter of the Code, the latter shall prevail and control.

1411 No Permit Can Be Issued to Applicant Currently in Violation of Village Ordinance

Any applicant, permittee, his/her agent, representative, or assign who is issued a building permit and is found by the Building Inspector to be in violation of the Village's Building Code or other Village Ordinance shall be denied any further Village permit of any kind until the violation(s) is corrected to the satisfaction of the Building Inspector. Moreover, if there are any outstanding Village liens recorded against the property for which the building permit is applied for, the Building Inspector shall deny issuance of the building permit until these liens are paid in full.

Article 2 - Definitions

Some of the language used in this article is not common usage or could be misconstrued. The following definitions are offered to be used in the context of this Chapter.

Attached Garage. That portion of the principle building which shares at minimum one common wall between the garage space and living space of that building, and also has a connected foundation system to the building

Adjacent Lots. Adjacent lots shall be lots that adjoin or share side property lines or lots on which, although separated by a street, front property lines overlap another by more than thirty (30) percent.

Administrative Warning Ticket (AWT). A ticket issued at the discretion of the Building Inspector, in cases of violation of this Chapter.

Appropriate. Sympathetic, or fitting to the context of the site and the whole community

Appurtenances. The visible, functional objects accessory to and part of buildings.

Architectural Feature. An element of a building design intended to be functional or ornamental.

Arterial Street. Being or constituting a main route often with many branches.

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

Berm. A raised form of earth to provide screening or to improve the aesthetic character.

Building. A building which is designed, used or intended to be occupied and maintained for the principal use of the land which it is located.

Character. Special physical characteristics of an existing or proposed building or structure or an area that set it apart from its surrounding and contributes to it individually. Character-defining considerations, include, but are not limited to, building height, shape, materials, orientation and architectural style and features, as well as the site's interior spaces and relationship to the surrounding area.

Caliper. A trunk diameter measured in inches. Caliper measurement of the trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the ground.

Commercial Entry. The entryway of a commercial building that would be perceived by the public to be an entrance available for public use.

Compatibility. Harmony in the appearance of two or more external design features in the same vicinity.

Collector Street. Provides connectivity between arterials.

Detached Garage. An accessory use structure which does not share any common walls or foundation system with the principle use building on the same lot.

Façade. The elevation or exterior face of the building.

Fence. A fence is a barrier used to enclose or secure an area, to mark a boundary, or to obscure or block structures or uses.

Fenestration. The arrangement of windows and doors.

Hot Tub. See definition of Spa.

Improvement. This term shall be interpreted liberally and shall include construction, alteration, and repair of all buildings, structures and facilities permanently affixed to real property and appurtenances.

In Ground Pool. See definition of swimming pool.

Light Cut Off Angle. An angle from vertical extending downward from a luminary which defines the maximum range of incident illumination outward at the ground plane.

Living Area. That area within a residence or dwelling unit, which is commonly used for habitation. Living area shall not include areas such as garages, basements, porches and all other similar non-living space.

Residential. That which is situated on the premises of a detached one-family dwelling or a one-family townhouse not more than three stories in height.

Shielded. That all bulb/light sources and cover portions of a fixture that transmit light shall not extend beyond below the opaque portion of such fixture so the bulb/light source is not visible from general side view.

Site Break. A landscape element to interrupt long vistas and create visual interest in a site development.

Spa-Portable, Nonportable, Hot Tub. A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-equipment are an integral part of the product.

Street Hardware. Man-made objects other than buildings which are part of the streetscape. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

Streetscape. A streetscape is the facade of single-family dwellings on both sides of a street. The length of a streetscape shall be limited to no more than twenty (20) lots per side of the street. When more than twenty (20) lots per street side exists without an intervening cross street, the Village shall, through one of its officers or employees, establish those lots that shall constitute a separate streetscape. In making that determination, the official shall consider that configuration of lots that shall be most influenced and affected by adjacent lots. When possible, physical demarcations such as topography, road configuration, or landscaping shall be utilized in establishing the appropriate streetscape. In general, the front orientation of the residence will determine the applicable streetscape.

Structural Break. A structural element to interrupt long exterior walls to create visual interest.

Swimming Pool. Any structure intended for swimming or recreational bathing that contains water and is at least 24 inches deep. This includes in ground, aboveground, and on ground swimming pools, hot tubs and spas and all such related items.

Swimming Pool - Indoor. A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure and with a roof over the top.

Swimming Pool - Outdoor. Any swimming pool which is not an indoor pool.

Tract Housing. A style of housing development in which multiple identical, or nearly-identical, homes are built to create a community.

Village. The Village of Spring Grove, Illinois.

Article 3 – Architectural Review Requirements

1412 Single and Multi-Family

1412.1 **Purpose of Architectural Review.** The purpose of the architectural review requirements in the Village is to retain the unique character of the Village with a diversity of architecture and design. It is the primary objective of the Village to prevent multiple residences that have similar exterior designs and to enhance and/or maintain property values of adjacent properties. The Architectural Review Commission (ARC) and the Village Board shall have the authority to establish procedures, as well as design and building material standards, as necessary to achieve the goals of the Village. ARC and the Village Board shall have sole discretion and full authority to approve or deny any applicant.

1412.2 **Design Review Process.** Prior to the commencement of any construction activity, an application for building permit must be submitted to the Village by the property owner or his or her agent. The design submittal should include the application; three (3) complete sets of working plans which include a site plan, reflecting the location of the building, driveway and parking areas and any accessory building and improvements proposed to be constructed; final architectural and engineering drawings, including elevations, building height, size, materials and colors and any other additional information which may be reasonably required by the Building Department and/or ARC. Additionally, a homeowner's association or developer architectural review letter, if applicable, must be included with the application.

Every application for a building permit for new construction shall be accompanied by architectural plans and an engineered site plan of sufficient detail to show conformance with these Design Standards. Color schemes and material selection shall be included. Plans should be drawn to a minimum scale of $\frac{1}{4}'' = 1'0''$.

In the event that any exterior remodeling or alterations to a residential building changes more than 30% of the existing improvements, and the building inspector determines in his sole discretion that the improvements be reviewed by ARC, an architect or engineer due to the nature of the submittal, he shall so notify the applicant.

Hand annotations will not be accepted on final plans unless they apply to minor changes that are initialed by both the applicant and the Building Inspector as being acceptable. In all other cases, the plans must be re-drawn by the architect before the Building Department will approve them.

In the event the Building Inspector determines in his sole discretion that an applicant's plans should be reviewed by the ARC, an architect or an engineer due to the nature of the submittal, he shall so notify the applicant. Thereafter, the Building Inspector shall be under no obligation to review the plans any further unless or until plans are received which are approved by ARC or signed and stamped by a licensed architect or professional engineer. After the receipt of signed and stamped plans, the Building Inspector shall still have the discretion not to approve plans if he determines that the plans do not comply with the Village Code.

All relevant provisions of the Municipal Code shall be applicable to all plans. Construction drawings remain subject to Building Department review for accuracy, completeness and compliance with building codes prior to a building permit being issued. Construction must be in compliance with the Building Department and/or ARC approvals.

1412.3 **Approvals.** No building permit shall be issued until final design approval is granted. Approval shall be valid for one (1) year. If construction has not begun by this time, then another review shall be required.

1412.4 **Architectural Review Criteria.** The Building Department and/or ARC shall use a set of design and materials standards and guidelines that are set forth in Appendixes E and F. The Building Department and/or ARC will use these Design Review Criteria, Standards and Guidelines, as well as the standards pertaining to design outlined in the Municipal Code, to evaluate each design submitted. The Building Department and/or ARC will review and consider each home or building individually, but will assess its impact on adjacent property and the community as a whole. The Village encourages design creativity and the points outlined in Appendixes E and F are meant to promote architectural interest and versatility.

1413 Non-Residential

1413.1 **Purpose of Architectural Review.** Each application for a building permit which requires review shall be reviewed by ARC and the Village Board. The purpose of the architectural review requirements in the Village is to retain the unique character of the Village with a diversity of architecture and design. These criteria are not intended to restrict imagination, innovations, or variety, but rather are to assist in focusing on design principles that can result in creative solutions. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other features that are observed by the public. ARC shall have the authority to establish procedures, as well as design and building material standards, as necessary to achieve the goals of the Village. ARC and the Village Board shall have sole discretion and full authority to approve or deny any applicant.

1413.2

Design Review Process. Prior to the commencement of any construction activity, an Architectural Review Application and required materials must be submitted to the Village by the property owner or his or her agent two weeks prior to the ARC appearance date. The design submittal should include the application; a \$200.00 non-refundable application fee; a \$200 non-refundable landscape review fee (refer to Section 1431.3); twenty (20) copies of a photometric plan (refer to section 1431.4) and electrical fixture specifications; and twenty (20) copies of the site plan prepared by a professional engineer, architect or draftsman which is dimensional and drawn to scale to include:

- A. Building placement related to property lines;
- B. Parking facilities;
- C. Exterior lighting placement;
- D. Landscape plan, designed in accordance with the Village's Landscape Code.
- E. All building elevations with color and details of all exterior building materials;
- F. Floor plans, prepared by a professional engineer, architect or draftsman indicating all usages in the building including partitioning, storage and restrooms; location and proposed screening of outside dumpsters;
- G. Floor area for building footprint and gross floor area of structure, building height and number of stories;
- H. Structural volume in cubic feet; and
- I. Color photos of surrounding properties.

If an applicant is denied, the applicant will be required to submit another \$200.00 non-refundable application fee with any subsequent application.

Every application for a building permit for remodeling, redevelopment or new construction of a commercial, industrial or office research building shall be accompanied by architectural plans prepared, signed and stamped by an Illinois licensed architect and an engineered site plan of sufficient detail to show conformance with these Design Standards. Color schemes and material selection shall be included. Plans should be drawn to a minimum scale of $\frac{1}{4}'' = 1'0''$.

Hand annotations will not be accepted on final plans unless they apply to minor changes that are initialed by both the applicant and the Building Inspector as being acceptable. In all other cases, these plans must be re-drawn by the architect before the Building Department will approve them.

All relevant provisions of the Municipal Code shall be applicable to all plans. Construction drawings remain subject to Building Department review for accuracy, completeness and compliance with building codes prior to a building permit being issued. Construction must be in compliance with the ARC and Building Department approvals.

1413.3 **Signs.** When a sign is proposed it shall also be subject to the review of ARC in keeping with the requirements set for in the Sign Control Ordinance. For multi-tenant buildings the signage location, color and font style shall be part of the architectural review submittal. Refer to the Sign Control Ordinance for submittal requirements. *(Revised Ord. No. 2009-14)*

1433.4 **Approvals.** ARC shall issue a written recommendation to the Village Board granting approval or reasons for denials, alterations or corrections. No building permit shall be issued prior to ARC's recommendation and approval by the Village Board. The approval shall be valid for one (1) year. If construction has not begun by this time, then another review shall be required.

1413.5 **Architectural Review Criteria.** ARC shall use a set of design and materials standards and guidelines as set forth in Appendix G. ARC will use these Design Review Criteria, Standards and Guidelines, as well as the standards pertaining to design outlined in the Municipal Code, to evaluate each design submitted. ARC will review and consider each project individually, but will assess its impact on adjacent property and the community as a whole. The Village encourages design creativity and the points below are meant to promote architectural interest and versatility.

1414 Variances

Variances to the requirements of this Article shall be heard by ARC. It shall require a majority vote of the members of ARC present at a meeting to grant a variance. In the event that ARC does not vote in favor of the variance, the applicant may appeal to the Village Board. It shall require a majority vote of the Village Board to overrule a determination by ARC. At a hearing on the appeal, both the applicant and the Building Department shall be entitled to present evidence as to why the design submittal meets or fails to meet the requirements of this Article. An applicant shall have the right to administrative review as provided by law. The application fee for a variance shall be \$200. *(Revised Ord. 2007-33)*

1415 Appeals

Appeals from the final determination of the Building Department shall be appealable to ARC. It shall require a majority vote of the members of ARC present at a meeting to overrule a determination by the Building Department. In the event that ARC does not approve the applicant's interpretation of the relevant provision of the Village Code, the applicant may appeal to the Village Board. It shall require a majority vote of the members of the Village Board present at a meeting to overrule a determination by ARC. At a hearing on the appeal, both the applicant and the Building Department shall be entitled to present evidence as to why the design submittal meets or fails to meet the requirements of the Village Code. An applicant shall have the right to administrative review as provided by law. The application fee for an appeal shall be \$300.

Article 4 – Building Requirements

1416 Minimum Square Footage Requirements

- 1416.1 **One Story Residence on a One-Half Acre or Greater Lot.** No building permit shall issue for the construction of any one story residence or dwelling unit within the Village of Spring Grove on a lot that is greater than ½ acre or greater in size unless said residence or dwelling unit contains at least 2,000 square foot of living area on the first floor. *(Revised Ord. No. 2005-29)*
- 1416.2 **Two or More Story Residence on a One-Half Acre or Greater Lot.** No building permit shall issue for the construction of any 2 or more story residence or dwelling unit within the Village of Spring Grove on a lot that is greater than ½ acre or greater in size unless said residence or dwelling unit contains at least 1,400 sq. ft. of living area on the first floor and at least 1,000 sq. ft. of living area on the second floor, for a total of 2,400 sq. ft. *(Revised Ord. No. 2005-29)*
- 1416.3 **One Story Residence on a One-Half Acre or Less Lot.** No building permit shall issue for construction of any one story residence or dwelling unit within the Village of Spring Grove on a lot that is less than ½ acre in size unless said residence or dwelling unit contains at least 1,200 sq. ft. of living area.
- 1416.4 **Two or More Story Residence on a One-Half Acre or Less Lot.** No building permit shall issued for the construction of any two or more story residence or dwelling unit within the Village of Spring Grove on a lot that is less than ½ acre in size unless the first floor of said residence or dwelling unit contains at least 1,000 sq. ft. of living area and the second floor contains at least 200 sq. ft. of living area.

1417 Plumbing Requirements

- 1417.1 **General Requirements.** No plumbing shall be installed in a building or structure, nor shall an alteration of an existing system be made, except in conformity with the provisions of this ordinance and such rules as may be adopted or promulgated by the Building Inspector under the provisions of this code.
- 1417.2 **Permits and Fees.** A permit shall first be obtained as required by the provisions of this ordinance, the fee for which shall include any inspection thereof either during or after completion of the work, or both, as may be required.
- 1417.3 **Rules and Regulations.** The rules and requirements are hereby established as to standards for plumbing as set forth in the State of Illinois Plumbing Code 2004 edition and International Residential Code 2009 edition as amended. *(Revised Ord. 2011-04)*

1418 Electrical Requirements

- 1418.1 **Special Requirements.** The following are special requirements for structures in the village.
- A. **Read-O-Matic (R.O.M.).** In commercial and residential buildings, a conduit shall be provided for the R.O.M. from the water meter to an approved, unobstructed location on the outside wall of the structure.
 - B. **Fine Print Note (FPN).** All FPN's of the National Electrical Code will be enforced as part of this Ordinance.
 - C. **Exposed Wiring.** All exposed electrical, data, phone, security, fire, etc. wiring, must be installed in a work-like manner. This means parallel and perpendicular to the building structure and supported a maximum of eight feet (8').
 - D. **Carbon Monoxide/Smoke Detectors (Residential).** In addition to other applicable codes, smoke detectors shall be placed in furnace rooms, or in the area of the furnace and in all bedrooms. This detector must be 110-volt with battery back-up and be interconnected with all other detectors. A Carbon Monoxide Detector in operating condition must be located within 15 feet of a room used for sleeping purposes. (*Revised Ord. 2011-04*)
 - E. **Voltage Drop.** There shall be no more than a 5% voltage drop in any electrical wiring system. This also includes street lighting and parking lot lighting.
 - F. **Street Lighting.** Any repairs done to the Village's street lighting/wiring system, must be done to the requirements of the Village's standards and must be inspected. In-ground splicing will only be allowed by written form, or an approved hand hole must be used for splicing of wire. All hard surface entries over easements must have street lighting sleeves installed under the hard surface and be capped off for future use (two inches {2"} or larger).
- 1418.2 **Permits.** All persons, firms, companies, or corporations shall before beginning any installation, alteration, or change of electrical, communication, data, and alarm wiring/equipment in the Village, must obtain a permit for such work from the Building Department.
- 1418.3 **Registration and Insurance.** The Illinois electrical contractor must be registered in the Village and hold the proper insurance per the requirements of this Ordinance.

1419 Privy Vaults

It shall be unlawful to permit the maintenance of any privy on any premises, which abut on a public street or portion thereof, which is served by a public sanitary sewer in the Village.

No outdoor toilet or privy vault shall be constructed or maintained in the Village unless it is connected with and the refuse there from is disposed of through a properly constructed septic tank or cesspool, in conformity with the standards for proper septic tank and cesspool construction as set forth under the regulations of the State of Illinois and the McHenry County Department of Health.

1420 Storm Water Drains

It shall be unlawful for any person, firm, or corporation to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any storm water drain in the Village.

1421 Spotted Survey Required

At anytime prior to or after the issuance of a building permit the applicant for a permit or the holder of a building permit shall be required upon demand to provide to the Building Inspector a spotted survey of the improvement described in the permit or application thereto. The survey shall meet all of the demands of the Building Inspector for purposes of establishing compliance with Village Code. If a spotted survey is demanded by the Building Inspector subsequent to the issuance of a Building Permit, the Building Inspector is authorized to order that all work be stopped until otherwise ordered by the Building Inspector.

1422 Regulation of Access to State Maintained Thoroughfares

1422.1 Entrance or Exit from Private Property. Any entrance or exit onto State maintained thoroughfares in the Village from private property shall be prohibited unless it is clearly established that there is no other feasible passage onto and off of said private property. Any party who desires to have access from private property onto State maintained thoroughfares in this Village, shall apply to the Illinois Department of Transportation (IDOT) for a permit for such and by resolution of the Village Board may be granted such. No permit will be granted by the Village Board unless a permit has been issued by IDOT.

1423 Requirements for Occupancy

1423.1 A Certificate of Occupancy must be issued by the Building Inspector indicating that the building or structure has been inspected and has been found to comply with the ordinance of the Village, relating to building and to zoning.

- 1423.2 All corrections, as have been ordered by the Building Inspector, shall have been made, re-inspected and approved before the Certificate of Occupancy shall issue.
- 1423.3 No occupancy of the premises for the purpose of either commercial or residential use, shall be established until and after the issuance of said Certificate of Occupancy.
- 1423.4 The exterior shall be finished (i.e. painted, stained, caulked, etc.) and the numbers, which make up the street address of the building, shall be affixed to the building so that the street address can clearly be seen from the roadway.
- 1423.5 The interior shall be finished complete with the floor and wall coverings.
- 1423.6 Exterior grading, including sod or seeding shall be completed prior to occupancy except those homes that receive their final occupancy after November 15th, of the year it is issued. After the November 15th date, an extension may be granted conditionally requiring that all grading and seeding or sodding and tree plantings (if required) would be completed by June 1st, of the following year. The performance bond required herein will be held by the Village until the landscaping is completed. Failure to complete landscaping by June 1st of the following year will result in forfeiture of the performance bond. In addition, the Village may pursue all other remedies. Grading and seeding shall include any and all ditches on the Village right-of-way and the ditches shall be free of construction material or other debris.
- 1423.7 If occupancy of a building or structure has taken place prior to the issuance of an occupancy permit, the Building Inspector may declare the performance bond posted by the occupant to be forfeited as a result of this violation and have the bond turned over the Village. Forfeiture of the bond will not excuse the occupant from having to post another bond if, in the Building Inspector's opinion, such bond is necessary and required under the terms of this Code. In addition, the occupant shall be required to empty the building or structure of all furniture and other personal property to allow final inspection of the building or structure as required under the terms and provisions of this Code.

In addition, the Building Inspector may administer an Administrative Warning Ticket, defined as follows, for any violation of this Chapter:

- A. **Procedure.** At the discretion of the Building Inspector, an AWT may be issued in lieu of a formal complaint being filed with the Court.
- B. When an AWT is issued, the person accused of the violation may settle the charge by paying to the Village Treasurer a fine in the amount of \$250.00 within ten (10) days of the date the AWT is issued. Where compliance with an ordinance is required, the accused shall also satisfy the proper Village authorities that compliance is completed within said ten-day period.

- C. In the event that the payment of the \$250.00 fine and compliance as required are not satisfied within said ten-day period, the fine shall be increased to the amount of \$350.00 for the period beginning the eleventh day and including the thirtieth day after issuance of the AWT. The accused shall have until the close of business day on the thirtieth day to satisfy the \$350.00 charge and come into compliance with the Code.

- D. If the accused does not settle the charge, including the payment of the fine and compliance where required, by the thirtieth day, a complaint shall be filed in the Nineteenth Judicial Circuit, McHenry County, Illinois for said violation. The offender shall be subject to a fine in an amount of not less than \$350.00 per violation, plus penalties and court costs, as fully set forth in the applicable provisions of the Village Code and state statute.

Article 5 - Construction Site Requirements

(Revised Ord. 2006-52)

1424 Use of Streets

The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than 18 feet, no portion of the street other than that directly abutting on the premises on which work is being done shall be used excepting with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file an application for a permit therefore with the Building Inspector, together with a bond with sureties to be approved by the Building Inspector, to indemnify the village for any loss or damage which may be incurred by it by reason of such use and occupation.

1425 Sidewalks

No sidewalk shall be obstructed in the course of building construction or alteration without a special permit from the Building Inspector; and whenever the removal of a sidewalk is required in such work a special permit from the Building Inspector shall be obtained.

1426 Safeguards

It shall be the duty of the person or corporation doing any construction, altering or wrecking work in the Village to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed wherever there is danger from falling articles or materials to pedestrians.

1427 Portable Toilet

All new construction projects require a minimum of one portable toilet be on site at the start of construction above the foundation. For projects involving subdivision a portable toilet shall be provided in at least 2 locations. All portable toilets shall remain on site until the construction is complete or until the interior sanitary facilities are available for use.

1428 Debris

Debris from construction sites, whether new or related to remodeling, including, but not limited to, wood, shingles, insulation, plastics and cartons shall not be permitted to accumulate on site so as to create a visual nuisance or health hazard. At the start of carpentry, rough stage, an adequate dumpster on site is required and no ground storage of debris will be permitted. The debris shall be periodically removed from the site via dumpster or other means as authorized by the Building Inspector; incinerating said debris on site is strictly prohibited. Construction debris that remains on site, awaiting removal, must be contained so as to prevent its being spread about the site, adjacent property or subdivision. Waste materials, including construction and landscaping debris may not be brought into the Village for purposes of incineration. *(Revised Ord. 2004-14).*

Article 6 - Fencing

1429 Restrictions

A fence is a barrier used to enclose or secure an area, obscure or block structures or uses, or to mark a boundary. Fences are allowed in all zoning districts, and may be placed along property lines, subject to the following restrictions.

- 1429.1 No fence shall be erected unless a permit is obtained in advance from the Building Department.
- 1429.2 All applications for a fence permit must include an approval letter from the applicant's homeowners association, if applicable.
- 1429.3 A fence shall not exceed 6 feet in height in Residential Zoning Districts and shall not exceed 8 feet in height in Business and Industrial Zoning Districts.
- 1429.4 A fence shall not exceed building setback lines for any lot lines abutting a street.
- 1429.5 A fence shall not be constructed on front lot lines or in front yards.
- 1429.6 Chain link fences are prohibited in Residential Zoning Districts with the exception of portable dog runs not greater than 12 ft. x 24 ft.
- 1429.7 The use of barbed wire or electrical fences is prohibited in Residential and Business Zoning Districts. In Industrial Zoning Districts the use of barbed wire and electrical fences are prohibited except when barbed wire is restricted to the area exceeding 6 feet in height and shall be screened with natural vegetation.
- 1429.8 Fencing slats are only permitted in Industrial zoned districts and prohibited in all other zoning districts.
- 1429.9 The use of razor wire is prohibited.

1430 Maintenance

Fences shall be maintained in good condition as determined by the Building Inspector. No fences may hereafter be extended or altered without a permit. Normal maintenance shall be allowed on all existing fences without securing a permit also. However, fences in substantial disrepair (defined as a fence which requires repair or replacement of 50% or more of the materials of which it is constructed) may not be maintained, repaired, restored or altered except upon issuance of a permit therefore in conformity with the provisions of this article. All fences in substantial disrepair as defined herein shall be repaired pursuant to the foregoing, or improved, within 10 days after receipt of notice to do so by the Building Inspector.

Article 7 - Barriers for Residential Swimming Pools, Spas and Hot Tubs

1431 Application

The provisions of this document shall control the design of barriers for residential swimming pools, spas, and hot tubs and all such related items. These design controls are intended to provide protection against potential drownings and near-drownings to children under the age of 5 by restricting access to swimming pools, spas, and hot tubs.

1432 Requirements

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.

1433 Outdoor Swimming Pool, Hot Tubs and Spas

An outdoor swimming pool, including an in ground, above ground, or on ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

- 1433.1 **Barrier.** The top of the barrier shall be at least 48 inches 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 4 inches 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 above ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is 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 4 inches.
- 1433.2 **Openings in Barrier.** Openings in the barrier shall not allow passage of a 4 inch diameter sphere.
- 1433.3 **Solid Barriers.** Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- 1433.4 **Barrier Horizontal or Vertical Members Less Than 45 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 45 inches, the horizontal member shall not exceed 1 ³/₄ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ³/₄ inches in width.

- 1433.5 **Barrier Horizontal or Vertical Members 45 Inches or More.** Where the barrier is composed of horizontal and vertical members of 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 $\frac{3}{4}$ inches in width.
- 1433.6 **Barrier Diagonal Members.** Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal member shall be no more than 1 $\frac{3}{4}$ inches.
- 1433.7 **Access Gates.** Access gates shall comply with the requirements of the *Requirements and Outdoor Swimming Pool, Sot Tub and Spas* section 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. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate:
- A. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate and
 - B. The gate and barrier shall have no opening greater than $\frac{1}{2}$ inch within 18 inches of the release mechanism.
- 1433.8 **Above Ground 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:
- A. The ladder or steps shall be capable of being secured, locked or removed to prevent access or
 - B. The ladder or steps shall be surrounded by a barrier which meets requirements of the *Requirements and Outdoor Swimming Pool, Hot Tub and Spas* section. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4 inch diameter sphere.
- 1433.9 **Moat Used to Obtain Clearance.** Where a moat is used to obtain the 48 inch clearance from ground surface to the top of pool, it shall also be 48 inches from the outside rim of the moat to the top of the barrier (or rim of the pool).
- 1433.10 **Prohibited Locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

1434 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.

1435 Conflict with Existing Ordinances

In the event this ordinance should conflict with any other Village ordinance and in particular with any of the provisions contained in the ICC Code as adopted by the Village, the terms and provisions of this article shall control.