

VILLAGE OF LAKE VILLA

ORDINANCE NO. 2014-08-03

AN ORDINANCE AMENDING
THE VILLAGE OF LAKE VILLA VILLAGE CODE

(RE: Section 8-4-6, "Property Maintenance Code Adopted",
of Title 8, "Building Regulations", and
Section 4-1-1, "Definitions", and Section 4-1-2, "Nuisance Declared",
of Title 4, "Public Health and Safety")

ADOPTED BY THE
CORPORATE AUTHORITIES
OF THE
VILLAGE OF LAKE VILLA, ILLINOIS

THIS 27th DAY OF AUGUST, 2014

Published in pamphlet form by authority of the Corporate Authorities of the Village of Lake Villa,
Lake County, Illinois, this 29th day of August, 2014.

AN ORDINANCE AMENDING
THE VILLAGE OF LAKE VILLA VILLAGE CODE

(RE: Section 8-4-6, "Property Maintenance Code Adopted",
of Title 8, "Building Regulations" and
Section 4-1-1, "Definitions", and Section 4-1-2, "Nuisance Declared",
of Title 4, "Public Health and Safety")

WHEREAS, the International Property Maintenance Code, 2012 Edition establishes minimum standards governing all matters concerning the maintenance and control of all existing property, buildings, and structures; and

WHEREAS, adopting of the International Property Maintenance Code, 2012 Edition, would be in the best interest of the Village of Lake Villa ("the Village") as well as the public health, safety, and welfare of its citizens:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lake Villa, Lake County, Illinois, as follows:

SECTION 1: The Mayor and Board of Trustees hereby find that the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance as its findings to the same extent as if each such recital had been set forth herein in its entirety.

SECTION 2: That Chapter 2, "Nuisance Trees, Weeds, and Other Nuisance Plants", of Title 4, "Public Health and Safety", of the Lake Villa Village Code is hereby deleted in its entirety.

SECTION 3: That Section 8-4-6, "BOCA National Property Maintenance Code Adopted", of Title 8, "Building Regulations", of the Lake Villa Village Code be and is hereby deleted in its entirety and replaced with the following:

“8-4-6: International Property Maintenance Code; Adoption.

The International Property Maintenance Code, 2012 Edition, and all appendices, which shall sometimes be referred to herein as the “Lake Villa Property Maintenance Code” or as the “Property Maintenance Code”, which Code and appendices have been on file for inspection and/or for copying by the public in the office of the Village Clerk for at least thirty (30) days prior to the adoption hereof, is hereby adopted by reference, and made a part of Chapter 8, “Building Regulations”, of the Lake Villa Village Code, except for such deletions or substitutions of sections as hereinafter provided, and the following additions and/or amendments to the Lake Villa Property Maintenance Code shall also be and are hereby adopted and approved:

(A) General Amendments:

- (1) In all Chapters and Sections of the Property Maintenance Code where the “name of jurisdiction” is written, insert “Village of Lake Villa”, and where “chief appointing authority” is written, insert “Mayor and Board of Trustees”;
- (2) In all Chapters and Sections of the Property Maintenance Code the Village Administrator, or his designee, is designated as the Code Official;
- (3) In all Chapters and Sections of the Property Maintenance Code where “International Handicapped Accessibility Code” is written, insert “currently adopted State of Illinois Accessibility Code”;
- (4) In all Chapters and Sections of the Property Maintenance Code where “ICC Electrical Code” is written, insert “The National Electrical Code-1999 Edition as adopted”.
- (5) In all Chapters and Sections of the Property Maintenance Code where “International Plumbing Code” is written, insert “The State of Illinois Plumbing Code as adopted”.

(B) Administration:

The International Property Maintenance Code, 2012 Edition, as hereby adopted, shall be amended as follows:

- (1) Section 102.3 of the International Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 102.3 is hereby adopted, which shall provide as follows:

“102.3, Application Of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Title 8, “Building Regulations”, of the Lake Villa Village Code, and such Codes as adopted therein from time to time. Wherever this Property Maintenance Code refers to the International Zoning Code, such reference shall be construed to mean the Lake Villa Zoning Ordinance. Nothing in this Property Maintenance Code shall be construed to cancel, modify or set aside any provision(s) of the Lake Villa Zoning Ordinance.”

- (2) Section 103.1, “General”, shall be amended to read as follows:

“103.1, General. The executive official in charge thereof shall be known as the Code Office, or the Village Administrator, or his designee.”

- (3) Section 103.5, "Fees", shall be amended to read as follows:

"103.5, Fees. In addition to any other fees charged by the Village, there shall be an inspection fee charged of Fifty Dollars (\$50.00) per inspection for any inspection conducted by the Code Official pursuant to this Property Maintenance Code."

- (4) Section 106.4 of the International Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 106.4 is hereby adopted, which shall provide as follows:

"106.4, Violation Penalties. Any person who shall violate any provision of of this Property Maintenance Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or any officer or employee of the Village duly authorized by the Village Administrator, or his designee, or of a permit or certificate issued under the provisions of any Building Regulations adopted by the Village from time to time, and/or any person who shall fail to maintain a building or structure in compliance with this Code shall be guilty of a petty offense, punishable by a fine as specified from time to time in Section 8-1-8, "Fines, Penalties, Costs", of Title 8, "Building Regulations", of the Lake Villa Village Code. Each day that a violation exists and/or continues shall be deemed a separate offense."

- (5) Section 108.2, "Closing of Vacant Structures", is hereby amended by the addition of a new Section 108.2.2, "Boarded Up Structures", which shall read as follows:

"108.2.2, Boarded Up Structures: Boarding up a structure is considered a temporary measure until a decision can be made as to what remedy the owner wants to or is required by the Village to pursue as provided in this Property Maintenance Code, but such board-up cannot exceed six (6) months unless an extension of an additional six months is granted in writing by the Code Official. Any structure boarded up in excess of six (6) months (or in excess of twelve (12) months, if the Code Official has given written approval for an extension), shall be considered abandoned and a public nuisance, and the Village may pursue whatever action is afforded to it under this Property Maintenance Code, other appropriate ordinances, and State statutes, to cause the abatement of the said public nuisance."

- (6) Section 110.1, "General", shall be amended to read as follows:

"110.1, General. The Village may demolish, repair, or enclose, or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the Village and further recover its costs in connection therewith pursuant to the provisions of Section 11-31-1 of the Illinois Municipal Code, 65 ILCS 5/11-31-1, and other applicable Illinois statutes."

- (7) Section 111, "Means of Appeal", shall be amended to read as follows:

"111, Means of Appeal. The appeals shall follow the existing appeals procedure to the Zoning Board of Appeals as provided in the Lake Villa Zoning Ordinance."

- (8) Section 112.4, "Failure to Comply", shall be amended to read as follows:

"112.4, Failure to Comply: Any person who shall continue any work after having been served with a Stop Work Order, except such specific work as that person is directed by the Code Official to perform to remove a violation or unsafe condition, shall be liable to a fine as specified in Section 8-1-8, "Fines, Penalties, Costs", as aforesaid."

- (9) Section 202, "General Definitions", is hereby amended as follows:

- (a) The definition of "Noxious Weeds" shall be added and shall read as follows:

"Noxious Weeds: Shall mean any weeds such as jimson, burdock, ragweed, thistle, cocklebur, and all of those weeds and nuisance vegetation as described in Section 302.4, "Weeds and Other Nuisance Vegetation", hereof, or such other weeds of a like kind found growing in or on any lot or tract of land in the Village.

- (b) The definition of the word "Rubbish" shall be amended to read as follows:

"Rubbish: Waste material, including but not limited to garbage and refuse and such other items as cans, bottles, glass, wood, metal, plastic, rags, boxes, paper, tires, auto parts; dismantled machinery or appliances or parts of such machinery or appliances or other household items; lumber; building materials; and anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insects, rodents, or vermin infestation."

- (10) Section 302.4, "Weeds", is hereby deleted in its entirety, and a new Section 302.4, "Weeds and Other Nuisance Vegetation", shall be substituted therefor, which new Section shall read as follows:

"302.4 Weeds and Other Nuisance Vegetation.

- A. It shall be unlawful for the owner(s) and occupant(s) of any premises in the Village and their respective agents to permit weeds or other nuisance vegetation to remain on such premises in violation of this Section A, in violation of any other provisions of the Lake Villa Village Code, or in violation of any other ordinance of this Village. The owner(s), occupant(s), and their respective agent(s) of any real estate within the corporate limits of the Village shall be responsible for the removal of and shall cause the cutting and, where directed by the Village, the trimming of trees and bushes when required by this Section, and the abatement of nuisance vegetation as required by this Section in a manner approved by the Village Administrator, or his or her designee. The abatement of weeds and other nuisance vegetation shall include but not be limited to proper cutting of such nuisance vegetation, the removal of the stumps of any such nuisance trees and the removal and disposal of all such nuisance vegetation in a manner approved by the Village Administrator, or his designee.

- B. Abatement by Village: The officers, employees, and agents of the Village are hereby authorized to enter upon private property to inspect such property and the vegetation thereon for violations of this Chapter, taking samples to be tested to determine whether said vegetation is, in fact, dead, diseased or infected, and/or for the purpose of abating any and all such violations.
- C. Costs As A Lien: The Village Administrator, or his designee, may cause the cutting and/or removal of nuisance vegetation as defined in this Section, and/or the trimming of trees and bushes, when the owner(s) of real estate refuse or neglect to cut, trim, and/or remove them after a written notice and request for cutting, trimming, and/or removal has been mailed to such person(s) by regular U.S. mail, postage prepaid, not less than ten (10) days in advance and the Village may then collect from such person(s) the reasonable cost thereof, provided, however, notwithstanding the foregoing requirement for written notice, no such prior written notice and request pursuant to this Section shall be required if the person(s) responsible for such condition have been mailed a notice and request relative to a similar condition by the Village within the prior twelve (12) months. Such cost(s) shall not be a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities. Such notice must also be delivered or sent after the removal activities have been performed and said notice must: (1) include a copy of this Section and include copies of 65 Illinois Compiled Statutes 5/11-20-7 and 65 Illinois Compiled Statutes 5/11-20-15, which statute is applicable to all such liens; (2) identify the underlying parcel, by common description; and (3) describe the removal activity.
- D. For purposes of this Section, “weeds” shall include the following: burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milk weed, wild carrot, poison ivy, wild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, smart weeds (all varieties), poison hemlock, wild hemp, buckthorn, goldenrod, yellow and white sweet clover, and all other weeds and non-native species of a like kind, which shall be kept to a maximum height of eight inches (8”) on all property within the Village.
- E. For purposes of this Section, “nuisance vegetation” shall include the following: unmanaged ground cover and/or bushes, including non-native prairie species as buckthorn, goldenrod, yellow and white sweet clover, which shall be kept to a maximum height of eight inches (8”) on all property within the Village.
- F. For the purposes of this Section, the term “nuisance vegetation” shall mean weeds as defined above, unmanaged groundcover and/or bushes as described above, grass exceeding a maximum height of eight inches (8”), and/or any tree or other plant in violation of or the maintenance of which is in violation of this Section, in violation of any other provisions of this Village Code, or any other ordinance of the Village, and/or which is determined by the Village Administrator, or his designee, to be dead, diseased or infected, or to otherwise be a potential hazard or threat to the public health and safety.

- G. For purposes of this Section, in the event that it is determined by the Village Administrator, or his designee, that vegetation is, in fact, dead, diseased or infested, or otherwise constitutes nuisance vegetation as defined herein, said vegetation shall be and is hereby declared to be a nuisance and a type of public nuisance for the purposes of this Section.
- H. Notwithstanding the foregoing, the provisions of this Section shall not be applicable to any vegetation on Village-owned, or community-association owned, open space, park(s), or preserve(s), or to any vegetation on the unimproved portion of any right-of-way maintained by the Village.”

(11) Section 302.7, “Accessory Structures”, shall be amended to read as follows:

“302.7, Accessory Structures. All accessory structures, including detached garages, carports, awnings, patio covers, sheds, signs and sign structures, storage buildings, benches and similar accessory structures shall be maintained structurally sound and free from deterioration. Accessory structures shall also be maintained free from chipped and peeling paint, and metal structures shall be maintained free from rust.”

(12) Section 302.8, “Motor Vehicles”, shall be amended to read as follows:

“302.8, Motor Vehicles.

- (a) No unregistered motor vehicle shall be parked on any property for a period of more than seven (7) days, unless parked within an enclosed permanent building or garage.
- (b) In residential zones, no registered or unregistered motor vehicle shall be parked on any property in any state of inoperability, disassembly, or disrepair, nor shall any such vehicle be in the process of being dismantled or repaired, for a period greater than seven (7) days, unless kept within an enclosed permanent building or garage.
- (c) No registered or unregistered motor vehicle shall be parked or stored in any residential yard, and all such motor vehicles shall only be parked or stored on an approved driveway or parking surface or within a permanent building or garage.
- (d) Painting of vehicles is prohibited in all residential zones.
- (e) Painting of vehicles is prohibited in all non-residential zones, unless conducted inside an approved spray booth.
- (f) Unregistered, unlicensed, and abandoned vehicles are declared a public nuisance. In addition to all other remedies, the Village shall have such further remedies to abate such nuisances as are contained in 625 Illinois Compiled Statutes 5/4-201 et seq., and 5/4-201 through and including 5/4-213 are hereby adopted by reference.
- (g) For the purposes of this Section, the following terms shall have the meanings as set forth below:
 - (i) A “vehicle” is defined as a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buddy and wagon.
 - (ii) An “abandoned vehicle” is defined as any vehicle located on public or private property, which is allowed to remain on public property or on private property without the consent of the property owner for a period of more than twenty-four (24) hours.

- (iii) An “unregistered” and/or “unlicensed” vehicle is defined as any vehicle which under the laws of the State of Illinois would be required to be licensed or registered in order to be operated on public highways within the State and/or which under the ordinances of the Village is required to bear a current sticker unless the vehicle shall be entirely within a suitable fully enclosed building.

(13) Section 302.9, “Defacement of Property”, shall be amended to read as follows:

“302.9, Defacement of Property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner of such structure or building to restore said surface to a state of maintenance and repair immediately upon defacement as approved by the Code Official.”

(14) Section 304, “Exterior Structure”, shall be amended by the addition of a new Subsection 304.10.1, “Exterior Fire Escapes”, which new Subsections shall read as follows:

“304.10.1, Exterior Fire Escapes. All exterior fire escapes and stairways shall be kept free of mud, debris, snow, ice or other obstructions. Any exterior fire escape or exterior stairway found to be in a state of deterioration or determined to be unsafe by the Code Official shall be repaired immediately.”

(15) Section 304.3, “Premises Identification” shall be amended to read as follows:

“304.3, Premises Identification. In the case of residential buildings, each of the figures of the street number shall be not less than three inches (3”) nor more than six inches (6”) in height, being so marked as to be distinctive and easily read. Each of the figures of the street number shall be in Arabic numerals and/or alphabetic letters and shall be of a color that contrasts with its background. The numbers shall be placed in a conspicuous place on the side of the building that faces the street. The numbers shall be placed not less than five feet (5’) nor more than eight feet (8’) above the first floor of the building and as close to the front door of the building as practicable. In the case of commercial buildings, each of the figures of every number shall be not less than three inches (3”) nor more than ten inches (10”) in height and the street number shall be placed in the front door or within three feet (3’) of the front door of the building.”

(16) Section 304.14, “Insect Screens”, shall be amended to read as follows:

“304.14. Insect Screens. During the period from May 15 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.”

- (17) Section 309.2, "Owner", shall be deleted in its entirety.
- (18) Section 309.3, "Single Occupant", shall be deleted in its entirety.
- (19) Section 309.4, "Multiple Occupancy", shall be deleted in its entirety.
- (20) Section 309.5, "Occupant", shall be deleted in its entirety.
- (21) Section 602.2 of the Lake Villa Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 602.2 is hereby adopted, which shall provide as follows:

Section 602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F in all habitable rooms, bathrooms and toilet rooms based on a winter outdoor design temperature of -4 degrees F. Cooking appliances shall not be used to provide space heating to meet the requirements of this Section.

- (22) Section 602.3 of the Lake Villa Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 602.3 is hereby adopted, which shall provide as follows:

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a temperature of not less than 65 degrees F. in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below -4 degrees F., maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

- (23) Section 602.4 of the Property Maintenance Code is hereby deleted, and in lieu thereof, a new Section 602.4 is hereby adopted, which shall provide as follows:

Section 602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65 degrees F. during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities."

SECTION 3: Section 4-1-1, “Definitions”, of Chapter 1, “Nuisances”, of Title 4, “Public Health and Safety”, of the Lake Villa Village Code is hereby amended by the addition of the following definition, which shall be added in alphabetical order, and which shall read as follows:

“VEHICLE, UNLICENSED AND/OR UNREGISTERED: Any vehicle which under the laws of the State of Illinois would be required to be licensed or registered in order to be operated on public highways within the State and/or which under the ordinances of the Village is required to bear a current sticker unless the vehicle shall be entirely within a fully enclosed building.”

SECTION 4: Paragraph E, “Abandoned Vehicles”, and Paragraph F, “Other Nuisances”, of Section 4-1-2, “Nuisance Declared”, of Chapter 1, “Nuisances”, of Title 4, “Public Health and Safety”, of the Lake Villa Village Code are hereby deleted in their entirety and replaced with the following new Paragraphs E and F:

- “E. Unregistered, Unlicensed, and Abandoned Vehicles: Unregistered, unlicensed, and abandoned vehicles are declared a public nuisance. In addition to all other remedies, the Village shall have such further remedies to abate such nuisances as are contained in 625 Illinois Compiled Statutes 5/4-201 et seq., and 5/4-201 through and including 5/4-213 are hereby adopted by reference.
- F. Other Nuisances: Any and all items or activities described or declared to be a nuisance in the Illinois Compiled Statutes, or in this Village Code, as amended from time to time, are likewise hereby so declared to be public nuisances pursuant to this Code.”

SECTION 5: The Corporate Authorities of the Village intend that this Ordinance will be made part of the Lake Villa Village Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section”, “Article”, “Chapter”, or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors can be corrected with the authorization of the Village Attorney, or his or her designee.

SECTION 6: This Ordinance shall not affect any punishment or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for an

offense committed or cause of action arising before this Ordinance, and said ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

SECTION 7: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentence, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 8: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

SECTION 9: The Village Clerk is hereby directed to publish this ordinance in pamphlet form.

Passed by the Corporate Authorities on August 27, 2014, on a roll call vote as follows:

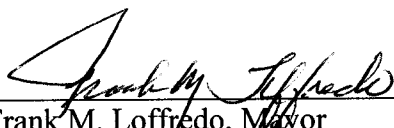
AYES: Trustees BARTLETT, BATTISTONE, HARMS, KRUCKENBERG, McDONALD, NIELSEN

NAYS:

ABSENT:

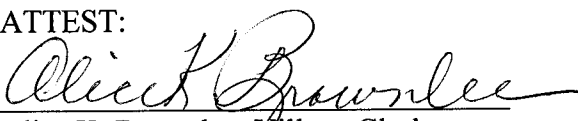
ABSTAIN:

Approved by the Mayor on August 27, 2014



Frank M. Loffredo, Mayor
Village of Lake Villa

ATTEST:



Alice K. Brownlee, Village Clerk

Published in pamphlet form this 29th day of August, 2014.