

TITLE 9

BUILDING REGULATIONS

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CHAPTER 1
BUILDING CODE

SECTION:

- 9-1-1: Building Code Adopted
- 9-1-2: Permit Required; Fees
- 9-1-3: Application for Permit; Approval of Plans
- 9-1-4: Enforcement of Provisions
- 9-1-5: Compliance With Regulations
- 9-1-6: Building Operations; Use of Streets

9-1-1: **BUILDING CODE ADOPTED:** That certain code is hereby adopted by the Village for the purpose of establishing rules, regulations and standards governing and providing for safety, health and public welfare through structural strength and stability, means of egress, adequate light and ventilation and protection to life and property from fire and hazards incident to the design, construction, alteration, removal or demolition of buildings and structures, all as set forth in the National Building Code, recommended and published by the National Board of Fire Underwriters, which Code is hereby adopted and incorporated by reference as fully as if set out at length herein and from the effective date hereof shall take effect on all properties within the limits of the Village at such time as is herein set forth.

Any person who shall violate any provision of this Section, or any provision of any rule or regulation adopted by the Superintendent of Public Works pursuant to authority granted by this Section shall, upon conviction, be punished by a fine of not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. 472, 7-20-67)

9-1-2: **PERMIT REQUIRED; FEES:** It shall be unlawful to construct or alter any building or structure in the Village, excepting fences,

when the cost of construction exceeds fifty dollars (\$50.00) or where the effect of such construction or alteration is to enlarge the capacity or affect the bearing walls of any building or the roof thereof, without having secured a permit therefor. (1954 Code, §353)

The fees for such permits shall be as follows:

For any construction, alteration and repair where the cost is:

Less than \$50.00	No Fee
From \$50.00 to \$100.00	\$.50
Over \$100.00 and up to \$500.00	2.00
Over \$500.00	3.00

(1954 Code, §356)

9-1-3: APPLICATION FOR PERMIT; APPROVAL OF PLANS:

Application for such permit shall be made to the Village Clerk and shall be accompanied by plans and specifications in duplicate showing the work to be done. Such plans should be verified by the signature of either the owner of the premises or by the architect or contractor in charge of the operations. (1954 Code, §354)

Such application with plans shall be referred to the Building Inspector who shall examine the same to determine whether the proposed alterations or construction will comply with the ordinance provisions relative thereto. Upon approval, one set of plans shall be returned to the applicant with a permit, and the other set shall be retained by the Building Inspector. No permit shall be issued except after approval of the plans. (1954 Code, §355)

It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended plan to the Building Inspector and approved by him. (1954 Code, §357)

9-1-4: ENFORCEMENT OF PROVISIONS: The Building Inspector shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this Chapter, and to make any tests or examinations of materials or methods to be used for the purpose of seeing that the provisions of this Chapter are complied with. (1954 Code, §358)

9-1-5: COMPLIANCE WITH REGULATIONS: It shall be unlawful to construct or alter any building or structure, other than fences, in the Village, except upon compliance with the provisions of this Chapter. (1954 Code, §371)

9-1-6: BUILDING OPERATIONS; USE OF STREETS:

- A. Use of Streets:¹ 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 useable width of the roadway to less than eighteen feet (18'). No portion of the street other than that directly abutting on the premises on which the work is being done shall be used except 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 with the Village Clerk a bond with sureties to be approved by the Clerk, to indemnify the Village for any loss or damage which may be incurred by it on account of such use and occupation. (1954 Code, §392)

- B. Night Operations: No construction or alteration operations shall be carried on at nighttime if the same are accompanied by loud noises. (1954 Code, §393)
- C. Sidewalks: No sidewalk shall be constructed in the course of building construction or alteration without a special permit from the Village Clerk; and whenever the removal of a sidewalk is required in such work, a special permit from the Village Clerk shall be obtained. (1954 Code, §394)
- D. Safeguards: It shall be the duty of the person doing any construction, alteration or wrecking work in the Village to do the same with proper care for the safety of persons and property. Warning barricades and lights shall be maintained whenever necessary for the protection of pedestrians or traffic. Temporary roofs over sidewalks shall be constructed whenever there is danger to pedestrians from falling articles or materials. (1954 Code, §394-A)
- E. Penalty: Any person violating any provision of this Section shall be fined not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed created on each day during or on which a violation occurs or continues. (1954 Code, §395)

1. See also Section 6-1-4 of this Code.

CHAPTER 2
HOUSING CODE

SECTION:

9-2-1: Housing Code Adopted

9-2-1: **HOUSING CODE ADOPTED:** That certain code is hereby adopted by the Village for the purpose of establishing rules, regulations and standards governing the condition and maintenance of dwellings, establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation; establishing minimum standards governing the condition of dwellings offered for rent, fixing certain responsibilities and duties of the owners and occupants of dwellings, authorizing the inspection of dwellings and the condemnation of dwellings unfit for human habitation, and fixing penalties for violations thereof, all as set forth in a proposed Housing Ordinance as published by the American Public Health Association, Inc., of 1790 Broadway, New York, New York; which Code is hereby adopted and incorporated herein by reference as fully as if set out at length herein and from the effective date hereof shall take effect on all properties within the limits of the Village at such time as is herein set forth.

Any person who shall violate any provision of this Section, or any provision of any rule or regulation adopted by the Health Officer pursuant to authority granted by this Section shall, upon conviction, be punished by a fine of not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. 468, 7-20-67)

CHAPTER 3
ELECTRICAL CODE

SECTION:

9-3-1: Electrical Code Adopted

9-3-1: **ELECTRICAL CODE ADOPTED:** That certain code is hereby adopted by the Village for the purpose of establishing rules, regulations and standards governing the electrical standards and requirements and the practical safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio signalling and for other purposes. It covers the electric conductors and equipment installed within or on public and private buildings and other premises, including yards, carnivals, parking lots and industrial substations; also the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises, all as set forth in the rules and regulations of the National Board of Fire Underwriters, as contained in the Code known as the National Electrical Code, and as approved by the American Standards Association, which Code is hereby adopted and incorporated herein by reference as fully as if set out at length herein, and from the effective date hereof shall take effect on all properties within the limits of the Village at such time as is herein set forth.

Any person who shall violate any provision of this Section, or any provision of any rule or regulation adopted by the Superintendent of Public Works pursuant to authority granted by this Section shall, upon conviction, be punished by a fine of not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. 469, 7-20-67)

CHAPTER 4
PLUMBING CODE

SECTION:

9-4-1: Plumbing Code Adopted

9-4-1: **PLUMBING CODE ADOPTED:** That certain code is hereby adopted by the Village for the purpose of establishing rules, regulations and standards governing the plumbing requirements and minimum code of standards for the fixtures, materials, design and installation methods of plumbing systems, all as set forth in the rules and regulations of the Illinois State Plumbing Code, as contained in the code known as the Illinois Plumbing Code Law,¹ and as adopted as an adversary code of minimum standards of good plumbing practice, and are hereby adopted and incorporated by reference as fully as if set out at length herein, and from the effective date hereof shall take effect on all properties within the limits of the Village at such time as is herein set forth.

Any person who shall violate any provision of this Section, or any provision of any rule or regulation adopted by the Superintendent of Public Works pursuant to authority granted by this Section shall, upon conviction, be punished by a fine of not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. 470, 7-20-67)

1. S.H.A. ch. 111, §1133.

CHAPTER 5
BILLBOARDS

SECTION:

- 9-5-1: Definition
- 9-5-2: Permit Required; Fee
- 9-5-3: Application for Permit
- 9-5-4: Location; Frontage Consents
- 9-5-5: Types of Billboards; Requirements
- 9-5-6: Construction Requirements
- 9-5-7: Nuisances
- 9-5-8: Enforcement
- 9-5-9: Penalty

9-5-1: **DEFINITION:** The term "billboard" is hereby defined to mean, and for the purpose of this Chapter shall be construed to mean, any signboard or similar structure, the sole or primary purpose of which is to be used for the display of advertising or notices. (1954 Code, §403)

9-5-2: **PERMIT REQUIRED; FEE:** It shall be unlawful to construct a billboard anywhere in the Village without first having secured a permit from the Board of Trustees; provided, that this Section shall not be construed to require a permit for the construction of a billboard other than a roof sign, the total display area of which does not exceed fifteen (15) square feet; and provided, that no license issued under this Chapter shall provide for the construction or maintenance of any billboard or signboard which extends over any public sidewalk, alley, street or other place.

The fee for a permit to construct a billboard shall be ten cents (\$.10) per square foot. (1954 Code, §904)

9-5-3: **APPLICATION FOR PERMIT:** Applications for such permits shall be made in writing to the Village Clerk. Each application

shall state thereon the name of the owner of the premises, the name of the person or corporation constructing the billboard, and the specifications showing the size, material and manner of construction of the billboard. (1954 Code, §405)

9-5-4: **LOCATION; FRONTAGE CONSENTS:** No person shall locate, build, erect or maintain any billboard in any block where a majority of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without securing written frontage consents from the owners of such property in the manner provided in Section 3-1-9 of this Code. (1954 Code, §411)

9-5-5: **TYPES OF BILLBOARDS; REQUIREMENTS:**

A. **Roof Signs:** It shall be unlawful to construct any billboard on the roof of any building or structure of any but noncombustible materials. All such roof signs or billboards must be so constructed that there is at least a four foot (4') space between the billboard or signboard and the edge of the roof at all sides and ends. It shall be unlawful to construct any signboard or billboard on the roof of any building which is unable to withstand the additional weight and wind pressure imposed by such construction. All roof signs and billboards which are constructed on buildings which are not constructed entirely of fireproof materials shall be so constructed and braced that the supports of such signs or billboards shall bear directly on the masonry walls of such building or on the steel girders which are supported by the masonry walls.

The metal supports and parts of every roof sign shall be thoroughly and properly painted at least once every two (2) years unless they are galvanized or otherwise protected against rust and corrosion. (1954 Code, §412)

B. **Billboards Against Buildings:** It shall be unlawful to construct any billboard, a majority of the display area of which is within four feet (4') of any building unless such billboard is constructed of noncombustible materials. (1954 Code, §413)

C. **Illuminated Billboards:** The wiring of illuminated billboards and signboards must comply with the provisions of the Electrical Code as adopted in Chapter 3 of this Title. (1954 Code, §414)

9-5-6: **CONSTRUCTION REQUIREMENTS:**

A. **Wind Pressure:** Every billboard shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least thirty (30) pounds per

- A) square foot of area; provided, that billboards which are placed upon roofs must be so constructed as to be able to withstand a lateral wind pressure of forty (40) pounds per square foot of area. (1954 Code, §406)
- B. Fire Escapes: It shall be unlawful to erect a billboard in such a position as to obstruct a fire escape or any window or door leading thereto; and no billboard shall be fastened to any fire escape. (1954 Code, §407)
- C. Height Above Ground: Every billboard must be so constructed as to leave an open space of at least two and one-half feet (2½') between the bottom of the display area and the ground. This open space may be filled with lattice work or other ornamental design which does not close off more than two-thirds (⅔) of any square foot of such open area. (1954 Code, §408)
- D. Building Line Restrictions: Billboards constructed on lots having a properly established building line must be built entirely in back of this building line and no permit shall be issued unless it is shown that such billboard will be built entirely in back of such building line. (1954 Code, §409)
- E. Fireproof Construction: It shall be unlawful to construct any billboard of over fifteen (15) square feet in area anywhere within the fire limits¹ unless the face of such billboard is constructed of noncombustible material. (1954 Code, §410)

9-5-7: **NUISANCES:** Any billboard or signboard which is dangerous because of insecure fastening or construction with resultant danger of falling or because it is an extreme fire hazard and in fact a nuisance shall hereby be declared to be a nuisance and may be abated as such.² (1954 Code, §415)

9-5-8: **ENFORCEMENT:** It shall be the duty of the Village Marshal and every member of the Police Department to enforce the provisions of this Chapter, and such officers are hereby empowered to do so. (1954 Code, §416)

9-5-9: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §417)

1. See Section 8-1-1 of this Code.
2. See Title 7, Chapter 1 of this Code.

CHAPTER 6

DANGEROUS BUILDINGS

SECTION:

- 9-6-1: Definition
- 9-6-2: Prohibition
- 9-6-3: Abatement
- 9-6-4: Dangerous Buildings Within Fire Limits
- 9-6-5: Penalty

9-6-1: **DEFINITION:** The term "dangerous building" as used in this Chapter is hereby defined to mean and include:

- A. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of injury or disease to the health of its occupants or of the occupants of neighboring structures;
- B. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates a fire hazard;
- C. Any building, shed, fence or other man-made structure which, by reason of faulty construction, age, lack of proper repair or other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;
- D. Any building, shed, fence or other man-made structure which, because of its condition or because of the lack of doors or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. (1954 Code, §366)

9-6-2: **PROHIBITION:** It shall be unlawful to maintain or permit the existence of any dangerous building in the Village, and it shall be

unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy the same or permit such building to be occupied while it is in a dangerous condition. (1954 Code, §367)

9-6-3: **ABATEMENT:** Whenever the Fire Marshal, the Health Inspector or the Building Inspector shall be of the opinion that any building or structure in the Village is in a dangerous condition, he shall file a written statement to this effect with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, if any, by registered mail or by personal service. Such notice shall state the building has been declared to be in a dangerous condition which must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

"To _____ (owner, occupant of the premises) of the premises known and described as _____ .

You are hereby notified that (describe building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by _____ .

The causes for this decision are (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately or the Village will proceed to do so."

If the person receiving such notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists, within ten (10) days from the time when this notice is served upon such person, the Building Inspector may, on orders of the Board of Trustees, proceed to demolish the building or remedy the dangerous condition. (1954 Code, §368)

9-6-4: **DANGEROUS BUILDINGS WITHIN FIRE LIMITS:** Any building or structure within the fire limits of the Village as described in Section 8-1-1 of this Code, which has been or may be damaged by fire, decay or other cause to the extent of fifty percent (50%) of its value, shall be torn down and removed.

Upon written notice by the Health Commission, the Fire Chief or the Building Inspector filed with the Village Clerk, the Clerk shall notify the Village President of the receipt of such notice. The Village President shall then appoint three (3)

persons to determine whether or not such building or structure has been damaged to the extent of fifty percent (50%) of its value. A copy of the notice of the appointment of the board of three (3) persons to determine the damage shall be served upon the owner of the premises by personal service or by registered mail at his last known address. Such notice may be in substantially the following form:

"To _____

You are hereby notified that _____ has determined that the building owned by you at _____ located within the fire limits of the Village has been damaged by fire, decay, or otherwise to the extent of fifty percent (50%) of its value; and that a board of three (3) members has been appointed to verify this finding, which board will hold its first meeting in the Village Hall on the _____ day of _____ at the hour _____ o'clock, at which time it will determine if this finding is correct.

If this finding is verified by the board, you must tear down and remove said building."

If the said board of three (3) members determines that the building in question has been damaged to the extent of fifty percent (50%) of its value, it shall be the duty of the owner to tear down or remove the said building within twenty (20) days after the finding of the said board; and it shall be unlawful to occupy or permit the occupancy of such building after such findings. (1954 Code, §369)

9-6-5: **PENALTY:** Any person violating any provision of this Chapter, or permitting any dangerous building or any other man-made structure to remain in a dangerous condition, or to remain in the fire limits after it has been damaged to the extent of fifty percent (50%) of its value, shall be fined not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §370)

CHAPTER 7
FLOOD HAZARD AREAS

SECTION:

- 9-7- 1: Purpose
- 9-7- 2: Accomplishing the Purposes
- 9-7- 3: Definitions
- 9-7- 4: Base Flood Elevation
- 9-7- 5: Development Permit
- 9-7- 6: Preventing Increased Damages
- 9-7- 7: Protecting Buildings
- 9-7- 8: Other Development Requirements
- 9-7- 9: Variances
- 9-7-10: Disclaimer of Liability
- 9-7-11: Penalty
- 9-7-12: Abrogation and Greater Restrictions

9-7-1: **PURPOSE:** This Chapter is enacted pursuant to the police powers granted to the Village by chapter 24, sections 1-2-1, 11-12-12, 11-30-2, 11-30-8 and 11-31-2 of the Illinois Revised Statutes in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing the flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To protect human life and health from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating flood blight areas;

- F. To make Federally subsidized flood insurance available for property in the Village; and
- G. To provide for the orderly growth and development of an environment that is especially sensitive to changes from human activity.

9-7-2: **ACCOMPLISHING THE PURPOSES:** All new development proposals in the Special Flood Hazard Areas (SFHA) shall be reviewed and approved by the Zoning Officer, which review shall insure the following:

- A. New development will not change the flow of flood or other surface drainage waters so that other properties become more susceptible to damage;
- B. New development will not create special hazards or nuisances when flooded; and
- C. New buildings and major improvements to existing buildings will not be subject to damage by the base flood.

9-7-3: **DEFINITIONS:** For the purposes of this Chapter, the following definitions are adopted:

BASE FLOOD	The flood having a one percent (1%) probability of being equalled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 9-7-4 of this Chapter.
BUILDING	A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank in order that such tanks will be constructed to the same flood damage protection standards. The term includes a mobile home or prefabricated building which is affixed on a permanent site and connected to the required utilities. The term does not include recreational vehicles or travel trailers.
DEVELOPMENT	<p>A. Any man-made change to real estate, including:</p> <p>1. Construction, reconstruction or placement of a building or an addition to a building valued at more than one thousand dollars (\$1,000.00);</p>

Development (cont.)

2. Installing a mobile home on a site or preparing a site for a mobile home;

3. Drilling, mining, installing utilities or facilities, construction of roads, bridges or similar projects valued at more than one thousand dollars (\$1,000.00);

4. Construction or erection of levees, walls or fences;

5. Filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;

6. Storage of materials; or

7. Any other activity that might change the direction, height or velocity of flood or surface waters.

B. "Development" does not include:

1. Maintenance of existing buildings and facilities such as reroofing or resurfacing roads;

2. Repairs made to a damaged building that do not change the building's exterior dimensions and that are valued at less than fifty percent (50%) of the value of the building before the damage occurred;

3. Gardening, plowing and similar agricultural practices that do not involve filling, grading or construction of levees; or

4. Agricultural development activities on farms including farm residences as exempted by law.

FPE or FLOOD PROTECTION ELEVATION

The elevation of the base flood plus one foot (1') at any given location in the SFHA.

FLOOD

A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODWAY

That portion of the SFHA required to store and convey the base flood. If not prohibited, building or placing obstructions in a floodway will increase flood damages to other properties.

**SFHA or SPECIAL
FLOOD HAZARD AREA**

Those lands within the jurisdiction of the Village that are subject to inundation by the base flood. The SFHAs of the City are generally identified as such on the Flood Hazard Boundary Map (FHBM) of the Village prepared by the Federal Insurance Administration, effective June 4, 1976.

9-7-4: **BASE FLOOD ELEVATION:** This Chapter's protection standard is the base flood according to the best data available to the Illinois State Water Survey's Floodplain Information Repository. Whenever a party disagrees with the best available data, he may finance the detailed engineering study needed to replace existing data with better data and submit it to the State Water Survey. The base flood elevation for each of the SFHAs delineated as an "A Zone" on the Flood Hazard Boundary Map shall be the 100-year flood depth calculated by the Department of Energy and Natural Resources, State of Illinois, State Water Survey according to the formulas presented in Depth and Frequency of Floods in Illinois published by the U.S. Geological Survey, 1976.

9-7-5: **DEVELOPMENT PERMIT:** No person shall commence any development in the SFHA without first obtaining a development permit from the Zoning Officer. The Zoning Officer shall not issue a development permit if the proposed development does not meet the requirements of this Chapter.

A. Application for a development permit shall be made on a form provided by the Zoning Officer. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and in those parts of the site that are below the base flood elevation.

1. Existing grade elevations and all changes in grade resulting from excavation or filling;
2. The direction of flow or surface drainage and flood flows;
3. The location of all watercourses and drainage facilities;
4. The location and dimensions of all buildings and additions to buildings; and

- A) 5. The elevation of the lowest floor (including basement) of all buildings subject to the requirements of Section 9-7-7 of this Chapter.
- B. Upon receipt of an application for a development permit, the Zoning Officer shall compare the elevation of the site to the base flood elevation. Any development located on land higher than the base flood elevation is not in the SFHA and therefore not subject to the requirements of this Chapter.
- C. The Zoning Officer shall inform the applicant of any and all other local, State and Federal permits that may be required for this type of development activity. The development permit will only be issued on the condition that the other specified permits are obtained. The Zoning Officer shall not issue a use permit unless all required permits have been obtained.

9-7-6: PREVENTING INCREASED DAMAGES:

- A. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity.
 - 1. For development proposals located in an identified floodway or within a riverine SFHA where the floodway has not yet been identified, the following rule shall apply. The Zoning Officer shall review the development plans to discern if:
 - a. A new obstruction to flood flows would be created;
 - b. The project will involve a channel crossing such as a bridge or pipe line; or
 - c. The project will modify the shape of the channel.

If any of these three (3) situations will result from the project, the applicant shall be required to obtain a permit from the Illinois Department of Transportation, Division of Water Resources, issued pursuant to Illinois Revised Statutes, chapter 19, section 70. The Zoning Officer shall not issue a development permit unless the applicant has obtained either a section 70 permit or a "waiver of permit required" from the Division of Water Resources.

2. For development proposals located in a flood fringe, or in a lakefront floodplain, ponding area, area of sheet flow, or other SFHA not subject to overbank flooding from an identified channel, the requirement of this subsection shall not apply.

- B. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of Section 9-7-7D of this Chapter.
- C. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted, providing all manholes or other aboveground openings located below the FPE are watertight.

9-7-7: **PROTECTING BUILDINGS:** In addition to the damage prevention requirements of Section 9-7-6 hereof, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

- Construction or placement of a new building valued at more than one thousand dollars (\$1,000.00);
- Improvements made to an existing building that increase the first floor area by more than twenty percent (20%);
- Reconstruction or repairs made to a damaged building that are valued at or more than fifty percent (50%) of the value of the building before the damage occurred; and
- Installing a mobile home on a new site or a new mobile home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it formerly lawfully occupied.

This building protection requirement may be met by any one of the following methods:

- A. A building may be constructed on permanent landfill in accordance with the following:
 1. The area to be filled shall be cleared of all standing trees, brush, down timber, trash, and other growth or objects unsuitable for use as foundation material.
 2. The fill shall be placed in layers no greater than one foot (1') deep before compaction.
 3. The surface of the fill shall be at or above the FPE. The fill shall extend at least ten feet (10') beyond the foundation of the building before sloping below the FPE.

- A) 4. The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one vertical.
5. The Zoning Officer shall maintain a record of the "as built" elevation of the lowest floor of the building.
- B. A building may be elevated in accordance with the following:
1. The building or improvements shall be elevated on stilts, piles, walls, crawl space or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures.
 2. The foundation and supporting members shall be anchored, shaped and aligned so as to minimize exposure to known hydrodynamic forces such as current, waves and floating debris.
 3. All areas below the FPE shall be constructed of materials resistant to flood damage. The bottom of the lowest floor including floor joists (if any) and all utility meters shall be located at or above the FPE.
 4. The Zoning Officer shall maintain a record of the "as built" elevation of the lowest floor.
 5. No area below the FPE shall be used for storage of items or materials subject to flood damage unless such items or materials are declared "property not covered" by a standard flood insurance policy of the National Flood Insurance Program.
 6. Any future alteration of the area below the FPE that violates the requirements of this subsection B shall be deemed a violation of this Chapter. The Zoning Officer shall inform the applicant that any such alteration is considered a wilful act to increase flood damages and therefore will cause coverage by a standard flood insurance policy to be suspended.
 7. No mobile home may be placed on a new site located within an identified floodway.
- C. It is required that all mobile homes placed within Zone A on a community's FHBM shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall include the following:
1. Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty feet (50') long requiring tie per side.

- C) 2. Frame ties to be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty feet (50') long requiring four (4) additional ties per side.
3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.
4. Any additions to the mobile home be similarly anchored.
- D. A nonresidential building may be floodproofed in accordance with the following:
1. A registered professional engineer shall certify that the building has been designed so that below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
3. The Zoning Officer shall maintain the engineer's certificate and a record of the "as built" elevation to which the building was floodproofed.

9-7-8: **OTHER DEVELOPMENT REQUIREMENTS:** The Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

- A. New subdivisions, mobile home parks and planned unit developments shall meet the requirements of Sections 9-7-6 and 9-7-7 of this Chapter. Plats or plans for new subdivisions, mobile home parks, and planned unit developments shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act.¹
- B. Plats or plans for new subdivisions, mobile home parks and planned unit developments shall display the following flood data:
1. The boundary of the SFHA.
2. The boundary of the floodway, if shown on available SFHA maps.

¹ S.H.A. ch. 109, §2.

- B) 3. Easements of lands dedicated to the Village for access for channel maintenance purposes.
4. The FPE for each building site. Where the base flood elevation is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the FPE and submitting it to the State Water Survey for review and approval as best available elevation data.
- C. Plans for the development activities to be undertaken by the Village in the SFHA shall be reviewed by the Zoning Officer to insure that they comply with this Chapter. Except as exempted by law, no other local government shall commence any development activity in the SFHA without first obtaining a development permit from the Zoning Officer.
- D. The Zoning Officer shall take the following into consideration when preparing or revising the comprehensive plan, community development program, housing assistance plan, and other land use or development programs:
1. Preserving SFHA land for open space uses such as farming or recreation.
 2. Acquiring and removing frequently flooded buildings.
 3. Prohibiting hospitals, water treatment plants, natural gas storage and other critical or especially hazardous facilities from locating in the SFHA.
 4. Identifying the elevations of the base flood and past floods at entrances to public buildings, on street signs, or other prominent locations.
 5. Other flood hazard mitigation or floodplain management activities that could help accomplish the purposes of this Chapter.

9-7-9: **VARIANCES:** Whenever the standards of this Chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Commission for a variance. The Zoning Commission shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees.

- A. No variance shall be granted unless the applicant demonstrates that:
1. The development activity cannot be located outside the SFHA.
 2. A substantial economic hardship would result if the variance were not granted.

- A) 3. The relief requested is the minimum necessary.
4. There will be no additional threat to public health or safety or creation of a nuisance.
 5. There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities, or other public facilities.
 6. The provisions of subsection 9-7-5C of this Chapter can still be met.
- B. The Zoning Officer shall notify an applicant in writing that a variance from the requirements of Section 9-7-7 hereof that would lessen the degree of protection to a building will:
1. Result in increased premium rates for flood insurance up to amounts as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage.
 2. Increase the risks to life and property.
 3. Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.
- C. A variance from the requirements of Section 9-7-7 may be granted to permit a "wet floodproofed" building, that is, a building to be intentionally flooded during a flood, provided:
1. No part of such a building below the FPE may be subject to flood damage.
 2. The variance shall be conditioned on the contents being:
 - a. Of materials resistant to flood damage; or
 - b. Items declared "property not covered" by a standard flood insurance policy of the National Flood Insurance Program; or
 - c. Readily moveable to a place of protection during a flood, provided there will be personnel available and adequate warning.
 3. Any future alteration of the area below the FPE that violates the conditions of the variance shall be deemed a violation of this Chapter. The Zoning Officer shall inform the applicant that any such alteration is considered a wilful act to increase flood damages and therefore will cause coverage by a standard flood insurance policy to be suspended.

- D. Variances requested in connection with restoration of a site or building documented as worthy of preservation by the Illinois Department of Conservation may be granted using criteria more permissive than the requirements of subsection A of this Section.

9-7-10: **DISCLAIMER OF LIABILITY:** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Chapter does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This Chapter does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made lawfully thereunder.

9-7-11: **PENALTY:** The Zoning Officer may determine upon due investigation that a violation of the minimum standards of this Chapter exists and after such owner fails after ten (10) days' notice to correct his property, the Village may make application to the circuit court for an injunction requiring conformance with this Chapter or make such other order as the court sees necessary to secure compliance with this Chapter. Any person who violates this Chapter shall, upon conviction thereof, be fined not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Chapter. Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

9-7-12: **ABROGATION AND GREATER RESTRICTIONS:** This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and other ordinance, easement, covenant or deed restriction conflicts or overlaps, whichever imposes the more stringent restriction shall prevail. (Ord. 550, 1982)

