

ORDINANCE 2023-06

SUPPLEMENTAL ORDINANCE CORRECTING A SCRIVENER'S ERROR IN ORDINANCE 2019-02 ENTITLED "AN ORDINANCE AMENDING THE VILLAGE OF HINCKLEY CODE OF ORDINANCES ADOPTING UPDATED EDITIONS OF VARIOUS BUILDING CODES"

WHEREAS, on January 28, 2019, the Board of Trustees for the Village of Hinckley, DeKalb County, Illinois, with due notice and fully in accordance with the State Statute, passed Ordinance 2019-02, ordaining its determination to adopt updated editions of various building codes via amendments to Chapter 18 of the Village of Hinckley Code of Ordinances; and

WHEREAS, the segmented sections were misnumbered through a scrivener's error; and

WHEREAS, it is the intention of the Village of Hinckley, through this Ordinance, to correct said scrivener's error, and supplant the previous erroneous edition passed,

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Trustees of the Village of Hinckley, Illinois, as follows:

Section 1: That the changes to Chapter 18 in the Village of Hinckley Code of Ordinances be correctly identified in Ordinance 2019-02 as shown in attached EXHIBIT A.

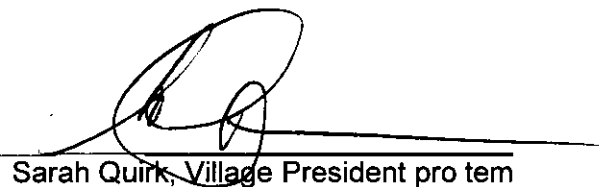
Section 2: That each section, paragraph, sentence, clause, and provision of this ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof, other than the part affected by such decision.

Section 3: That except as to the amendments heretofore mentioned, all chapters and sections of the Municipal Code of Hinckley, Illinois shall remain in full force and effect.

Section 4: That this Ordinance shall, by authority of the Board of Trustees of the Village of Hinckley, Illinois, be published in pamphlet form. From and after ten (10) days after said publication, this ordinance shall be in full force and effect.

PASSED BY THIS Board of Trustees of the Village of Hinckley, Illinois, at a regular meeting thereof held on the 22 day of May, 2023, and approved by me as Village President pro tem on the same day.

AYE: 6
NAY: 0
ABSENT: 0


Sarah Quirk, Village President pro tem

ATTEST:


Elizabeth Losiniecki, Village Clerk

PUBLISHED BY ME IN PAMPHLET FORM BY AUTHORITY OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HINCKLEY, DEKALB COUNTY, ILLINOIS, THIS 22 DAY OF MAY,
2023.


Elizabeth Losiniecki, Village Clerk

EXHIBIT A

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS¹¹

Footnotes:

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Cross reference— Fire prevention and protection, ch. 26; floods, ch. 30; health and sanitation, ch. 34; manufactured homes and trailers, ch. 46; planning, ch. 62; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70; subdivisions, ch. 74; building permits, § 74-4; utilities, ch. 86; building sewers and connections, § 86-91 et seq.; zoning, app. A; nonconforming lots, uses and structures, app. A, § VIII et seq.

State Law reference— General authority to regulate construction, 65 ILCS 5/11-30-1 et seq.; authority to adopt technical codes by reference, 65 ILCS 5/1-3-2.

ARTICLE I. - IN GENERAL

Sec. 18-1. - Purpose.

The purpose of this chapter is to establish the minimum requirements to safeguard the public health, safety and general welfare through the use of recognized codes to regulate construction, alteration, repair, and maintenance of buildings, structures and systems in the community; to reduce economic losses to individuals and the community at large; and protect, conserve and promote the orderly development of property.

(Code 1987, § 5-1)

Sec. 18-2. - Technical codes.

- (a) *Codes on file.* Not less than one copy of the code hereby adopted, in book form, have been filed in the office of the Village Clerk for use and examination by the public at least 30 days prior to the adoption of this Chapter, and that not less than one copy of each code identified in section 8-1-2 are now filed in the office of the Village Clerk. One set, containing each of the codes adopted of the International Code Council, Inc., and one copy of the National Electrical Code (NFPA 70), and one copy of the Life Safety Code (NFPA 101), and one copy of the Illinois State Plumbing Code, shall be maintained on file in the offices of the Village of Hinckley.
- (b) *Building code.*
 - (1) *International Building Code.* The International Building Code™, 2015 edition, including appendix chapters C, E, G, H, I, J, and K published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the Village of Hinckley, DeKalb County, Illinois, for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code on file in the office of the Village of Hinckley, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, with the specific revisions otherwise noted in section (b) (2), of this section.
 - (2) The following sections of the International Building Code, 2015 Edition, are hereby revised and amended in words and figures as follows:
 - a. *Section 101.1 Title.* These regulations shall be known as the Building Code of the Village of Hinckley, DeKalb County, Illinois, hereinafter referred to as "this code."
 - b. *Section 101.4.4 Plumbing.* The provisions of the Illinois State Plumbing Code shall apply to the installation, alterations, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

- c. *Section 105.2 Work exempt from permit* . Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

Delete numbers 1, 2, 3, 10, 11 and 12 then renumber and modify to read:

1. Retaining walls that are not over 2 feet (609.6 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
2. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
3. Exterior wall window unit replacements where the existing rough opening, at the affected window location, does not require structural modifications involving changes in width, height and/or structural component changes or removal and replacement of exterior wall siding materials.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep and/or inflatable, temporary swimming pools of any water depth, do not exceed 5,000 gallons (18,925 L), and are installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Swings and other playground equipment accessory to detached one- and two-family dwellings.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
10. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over five feet nine inches (1753 mm) in height.

Rest of section remains the same.

- d. *Section 109.2 Schedule of permit fees*. Insert at the end of the paragraph: This schedule of building permit fees is stated in the village code section 18-8 permit fees, as amended from time to time.
- e. *Section 109.4 Work commencing before permit issuance*. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fee.

In the event that any building is undertaken without compliance with the above-referenced fee schedule after 30 days when notified of noncompliance, then and in that event, the responsible owner, contractor, or both, shall liable for the penalties set forth in section 18-8 of the Village of Hinckley code and 100 percent of the usual permit fee in addition to the required permit fee. Each day a violation continues shall be deemed a separate offense.

- f. *Section 109.6 Refunds*. The building official shall authorize the refunding of fees in accordance with section as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- g. *Section 113.1 General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the village board of trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the village board of trustees. The building official shall be an ex officio member of said board, but shall have no vote on any matter before the board. When a quorum is present, the board shall modify, reverse, or uphold the decision of the building official by a concurring vote of the majority of members present at the meeting.

The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The building official shall take immediate action in accordance with the decision of the board.

- h. *Section 113.3 Qualifications.* Deleted in its entirety.
- i. *Section 114.4 Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day a violation continues shall be deemed a separate offense.

Section 114.4.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- j. *Section 115.3 Unlawful continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day a violation continues shall be deemed a separate offense.

Section 115.3.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- k. *Section 903.4.4 Monitoring.* All automatic fire-extinguishing systems in every use group occupancy, except one and two-family dwelling units, shall be monitored with an approved fire alarm system with supervision in accordance with NFPA 72.
- l. *Section 1101.1 Scope.* The provisions of the Illinois Accessibility Code shall control the design and construction of facilities for accessibility for individuals with disabilities.

Sections 1102 through 1111 shall be deleted in their entirety.

- m. *Section 1612.3 Establishment of flood hazard areas.* To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled: "The Flood Insurance Study for Incorporated and Unincorporated DeKalb County," published September 2000, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood

Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(c) *Electrical Code.*

1. The National Electrical Code 2014 (NFPA 70), published by the National Fire Protection Association, including Annex H, and the administrative provisions in Appendix K of the 2015 International Building Code are hereby adopted as the electrical code of the Village of Hinckley, DeKalb County, Illinois, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the Village of Hinckley, and providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such electrical code-administration and enforcement provisions of the National Electrical Code 2014 (NFPA 70), on file in the office of the Village of Hinckley, are hereby referred to, adopted and made a part hereof as if fully set out in this subsection, with the specific revisions otherwise noted in subsection (c) 2. of this section.
2. The following sections of the National Electrical Code, 2014 edition, are hereby revised, amended, or added in words and figures as follows:
 1. Service Equipment - Disconnecting Means: Means shall be provided to disconnect all conductors in a building from the service entrance conductors. The service disconnecting means shall be installed at a readily accessible location either outside the building or inside the building nearest the point of entrance of the service conductors. The maximum distance from the point of entrance of service conductors to a readily accessible service disconnecting means shall be six (6) feet.
 2. Electrical Services: All residential, commercial and industrial electrical services shall be installed with rigid metal conduit (RMC) or intermediate metal conduit (IMC). PVC and service entrance cable are not allowed. Electrical metallic tubing (EMT) is permitted between the meter enclosure and the electrical panel only if compression fittings are used and provided the EMT exits the back of the meter enclosure and is not exposed to weather.
 3. When additional grounding is required for hot tubs, spas or similar equipment, the grounding conductor shall be a minimum #8 insulated copper conductor and, shall be run from the motor or pump back to the electrical panel.
 4. Raceways for underground installations shall be limited to RMC, PVC coated steel conduit or PVC schedule 40 conduit. Only RMC and IMC are permitted above grade in outdoor exposed work. PVC conduit that is installed underground, transitioned to RMC prior to breaking grade and then transitioned to EMT above grade for indoor applications is allowed. Underground feeder cable (UF) is prohibited.
 5. Support of Fixtures In Suspended Ceilings: In addition to the requirements of article 410.36, all 2' x 4' luminaries shall be secured from two (2) opposite corners of the fixture to the building structure.
 6. When using sleeves for cables entering cabinets and cutout boxes, article 312.5 shall apply. Cables with entirely nonmetallic sheaths shall be permitted to enter the top of a surface-mounted enclosure through one or more nonflexible raceways not less than eighteen (18) inches or more than ten (10) feet in length, provided exceptions A thru G are met.

7. All exposed indoor residential wiring that is readily accessible and subject to physical damage shall be in RMC, IMC or EMT. NM and NMC cable is allowed provided it is covered with drywall, plywood or OSB.

8. Where a portion of a raceway or sleeve for cables is subjected to different temperatures and where condensation is known to be a problem (cold storage areas of buildings or where a raceway or sleeve passes from the interior to the exterior of a building), the raceway or sleeve shall be sealed to prevent the circulation of warm air to a colder section of the raceway.

9. Electrical continuity at service entrance equipment where concentric or eccentric knockouts are used shall be assured by the use of bonding-type (grounding) bushings, both at the meter base and the service disconnect panel. The bushings shall have a plastic type insert for protection.

10. All grounding conductors in a grounding electrode system shall be protected from physical damage. If installed above grade, the conductors shall be installed in RMC, IMC or EMT (with compression fittings) only.

11. All lighting and/or fan fixtures installed in tub or shower areas shall be GFCI protected.

12. The use of MC and AC cable is not allowed.

13. Minimum Clearance: A minimum of thirty-six (36) inches front clearance and thirty (30) inches of side clearance must be provided for all air conditioning condensing unit disconnects. This also includes disconnects for other similar appliances including, but not limited to, electric hot water tanks. (Side clearance is measured from the left or right side of the disconnecting means).

14. Where flexible metal conduit (Greenfield) is used, a separate ground wire shall be installed regardless of the length of the raceway.

15. Should an outdoor meter enclosure require replacement for any reason and if the main disconnect or the overcurrent protection for the panel board is protected by fuses, the panel board shall be replaced with a circuit breaker panel board.

16. Nonmetallic rigid conduit commonly known as PVC schedule 40 & 80 shall not be used above ground. This includes reinforced thermosetting resin conduit (DZXR).

17. NM and NMC (Romex) shall not be used in commercial or industrial buildings or applications where otherwise not permitted.

18. Receptacles in screened-in porches (with no windows) shall be GFCI protected and include weatherproof enclosures (in-use covers). Should windows be installed, GFCI protection is not required; however, AFCI protection shall be required for all receptacles.

19. All underground electrical wiring installations shall be inspected prior to burial.

3. Annex H shall be revised as follows:

80.15 – Delete in its entirety.

80.23(B)(3) – Change to read as follows; after the statement, *Any person, firm or corporation who shall willfully violate any of the applicable provisions of this article...*" delete the remainder of the sentence in that section and insert "shall be guilty of a petty offense, punishable by a fine of not more than \$750.00 or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

80.25(C) – insert five (5)

80.27(A) – insert the Village of Hinckley

80.27(B) – delete in its entirety

80.35 – insert 3 business days

(d) *Mechanical Code.*

- (1) *International Mechanical Code.* The International Mechanical Code™, 2015 edition, including Appendix Chapter A, published by the International Code Council, Inc., is hereby adopted as the Mechanical Code of Village of Hinckley, DeKalb County, Illinois, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the Village of Hinckley, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said International Mechanical Code on file in the office of the Village of Hinckley, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the specific revisions otherwise noted in section 18-2(d)(2), of this chapter.
- (2) The following sections of the International Mechanical Code, 2015 edition, are hereby revised, amended, or added in words and figures as follow[s]:
 - a. *Section 101.1 Title.* These regulations shall be known as the Mechanical Code of the Village of Hinckley, DeKalb County, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."
 - b. *Section 106.5.2 Fee schedule.* The fees for mechanical work shall be as stated in the village code section 18-8 permit fees, as may be amended from time to time.
 - c. *Section 106.5.3 Fee refunds.* The building official shall authorize the refunding of fees as follows:
 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- d. *Section 108.4 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.4.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- e. Section 108.5 Stop work orders. Last sentence to read: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.

Section 108.5.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- f. *Section 109.1 Application for appeal.* A person shall have the right to appeal a decision of the building official to the village board of trustees. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the village board of trustees. An application for appeal shall be based on a claim that the true intent of this code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within 20 days after the notice was served.
- g. *Section 109.2 Membership of board.* The board of appeals shall be the village board of trustees.
- h. *Section 109.2.1 Qualifications.* Deleted in its entirety.
- i. *Section 109.2.2 Alternate members.* Deleted in its entirety.
- j. *Section 109.2.3 Chairman.* Deleted in its entirety.
- k. *Section 109.2.5 Secretary.* Deleted in its entirety.
- l. *Section 109.2.6 Compensation for members.* Deleted in its entirety.
- m. *Section 109.5 Postponed hearing.* When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
- n. *Section 109.6 Board decision.* The board shall modify, reverse, or uphold the decision of the building official by a concurring vote of the majority of members present at the meeting.

(e) *Plumbing Codes.*

1. The Illinois State Plumbing Code. There is hereby adopted a certain code known as the "Illinois State Plumbing Code", the provisions of the Illinois State Plumbing Code, as published by the Illinois Department of Public Health, shall apply to the installation, alterations, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. Said "Illinois State Plumbing Code" is hereby adopted by reference in its entirety, subject to those sections not adopted or amended pursuant to the provisions herein stated below.

2. Page 7 Appendix A, Table A, Approved Materials for Water Service Pipe:

Eliminate all material except: Type K copper and Ductile Iron.

3. Section 890. Appendix A, Table A, Approved Materials for Building Sewer. The approved materials are the following items: 3) Cast Iron Soil 7) Polyvinyl Chloride (PVC) Pipe Specifically; SDR 26 PVC (Green. AWWA C900 (Blue), ASTM D2241 (White) 12) Identification of Piping Systems

Delete items: 1, 2, 4, 5, 6, 8, 9, 10, and 11

4. Amends Section 890. Appendix A. Table A of the ILPC

Pursuant to 17 Ill. Admin Code 3730.307(c)(4) and subject to the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill Adm. Code 892). all new and replacement plumbing fixtures and irrigation controllers installed after the effective date of this ordinance shall bear the WaterSense® label (as designated by the U.S. Environmental Protection Agency WaterSense® Program) when such labeled fixtures are available.

5. Permit Requirements:

a. No plumbing work shall be undertaken prior to the issuance of a permit by the village.

b. Contractor Licensing Requirement: Permits shall be issued on to a licensed plumber. A plumbing permit may be issued to the owner-occupant of a single-family residence only. A person shall be considered an "owner-occupant" only if he or she has taken possession of and is living in the premise as his or her bona fide sole and exclusive residence., or, in the case of an owner of a single-family residence under construction for his or her occupancy, he or she expects to take possession of and live in the premises as his or her bona fide sole and exclusive residence, and he or she has a current intention to live in such premises as his or her bona fide sole and exclusive residence for a period of not less than six (6) months after the completion of the plumbing work performed pursuant to the authorization of this subsection, or, in the case of an owner of a single-family residence under construction for his or her occupancy, for a period of not less than six (6) months after completion of the construction of the residence. Such person is authorized in accordance with the state plumbing laws, rules and regulations and the 2014 Illinois plumbing code and shall be subject to such inspections as may be provided by the village, and provided further, that any such owner-occupant shall not employ any person other than an Illinois licensed plumber to assist him in such work.

c. Application for permit: Application for a plumbing permit shall be made on forms provided by the village. The application shall be accompanied by fees in accordance with the schedule of fees listed in subsection f of this section.

d. Plans and specifications: No plumbing permit shall be issued until after plans and specifications showing the proposed plumbing work have been submitted, reviewed and approved by the village. If a plumbing permit is denied, the applicant shall submit revised plans and specifications. When it is found necessary to make any changes in the plumbing from the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted to the village for approval prior to making any change in the plumbing system.

e. Exception from provisions: Minor repairs that do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixtures and no plumbing permit is required.

(f) *Energy Conservation Code.*

1. There is hereby adopted by the village a certain code known as the Illinois Energy Efficient Building Act, 20 ILCS 3125/1 et seq., and the Illinois Energy Conservation code adopted thereunder, 71 Ill. Admin. Code 600.100 et seq., that apply within the village. The International Energy Conservation Code, latest edition as adopted by the State of Illinois, developed by International Code of Council is hereby adopted by reference. The terms and conditions of the latest edition are hereby to be in full

force and effect as adopted by the village in its entirety and subject to any amendments made thereto.

(g) *Fuel Gas Code.*

- (1) *International Fuel Gas Code.* The International Fuel Gas Code™, 2015 edition, published by the International Code Council, Inc., is hereby adopted as the Fuel Gas Code of the Village of Hinckley, DeKalb County, Illinois, for providing the minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of fuel gas systems, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Fuel Gas Code on file in the office of the Village of Hinckley, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the specific revisions otherwise noted in section (g)(2), of this chapter.
- (2) The following sections of the International Fuel Gas Code, 2015 edition, are hereby revised, amended, or added in words and figures as follow[s]:
 - a. *Section 101.1 Title.* These regulations shall be known as the Fuel Gas Code of the Village of Hinckley, DeKalb County, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."
 - b. *Section 106.5.2 Fee schedule.* Insert at the end of the paragraph: This schedule of building permit fees is stated in the village code section 18-8 permit fees, as amended from time to time.
 - c. *Section 106.5.3 Fee refunds.* The building official shall authorize the refunding of fees as follows:
 - (1) The full amount of any fee paid hereunder which was erroneously paid or collected.
 - (2) No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.
 - d. *Section 108.4 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.4.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.
 - e. *Section 108.5 Stop work orders.* Change last sentence to read: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day work continues after due notice has been served shall be deemed a separate offense.

Section 108.5.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- f. *Section 109.1 Application for appeal.* A person shall have the right to appeal a decision of the building official to the village board of trustees. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the village board of trustees. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within 20 days after the notice was served.
- g. *Section 109.2 Membership of board.* The board of appeals shall be the village board of trustees.
- h. *Section 109.2.1 Qualifications.* Deleted in its entirety.
- i. *Section 109.2.2 Alternate members.* Deleted in its entirety.
- j. *Section 109.2.3 Chairman.* Deleted in its entirety.
- k. *Section 109.2.5 Secretary.* Deleted in its entirety.
- l. *Section 109.2.6 Compensation for members.* Deleted in its entirety.
- m. *Section 109.5 Postponed hearing.* When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
- n. *Section 109.6 Board decision.* The board shall reverse, modify, or uphold the decision of the building official by a concurring vote of the majority of members present at the meeting.

(h) *Fire Code.*

- (1) *International Fire Code.* The International Fire Code™, 2015 edition, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, Inc., is hereby adopted as the Fire Code of the Village of Hinckley, DeKalb County, Illinois, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provide[d]; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Fire Code on file in the office of the Village of Hinckley, are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter, with the specific revisions otherwise noted in sections 18-2(h)(2) and 18-2(h)(3), of this chapter.
- (2) The following sections of the International Fire Code, 2015 edition, are hereby revised, amended, or added in words and figures as follow[s]:
 - a. *Section 101.1 Title.* These regulations shall be known as the Fire Code of the Village of Hinckley, DeKalb County, Illinois, and shall be cited as such and shall hereinafter be referred to as "this code."
 - b. *Section 108.1 Board of appeals established.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the village board of trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the village board of trustees. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.
 - c. *Section 108.3 Qualifications.* Delete in its entirety.
 - d. *Section 109.3 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building official, or of a permit or certificate used under provisions of this code, shall be subject to the

penalties set forth in section 18-8 of the Village of Hinckley code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section 109.3.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- e. *Section 111.4. Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.

Section 111.4.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- f. *Section 903.4.5 Monitoring.* All automatic fire-extinguishing systems in every use group occupancy, except one and two-family dwelling units, shall be monitored with an approved fire alarm system with supervision in accordance with NFPA 72.

- (3) That the limits referred to in certain sections of the International Fire Code™, 2015 edition, are hereby established as follow[s]:

- a. *Section 5704.2.9.5.1 Locations where above-ground tanks are prohibited.* Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except Industrial.
- b. *Section 5706.2.4.4 Locations where above-ground tanks are prohibited.* The storage of Class I and II liquids in above-ground tanks is prohibited within all zoning districts except Industrial.
- c. *Section 5806.2 Limitations.* Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in all zoning districts except Industrial.
- d. *Section 6104.2 Maximum capacity within established limits.* Within all zoning districts except Industrial the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Exception remains the same.

(i) *Residential Code.*

- (1) *International Residential Code for one- and two-family dwellings:* The International Residential Code for One- and Two-Family Dwellings™, 2015 edition, including Appendix Chapters A, B, C, D, E, F, G, H, J, K, M, and Q as published by the International Code Council, Inc., be and is hereby adopted as the Residential Code of Village of Hinckley for regulating and governing the design, construction, quality of materials, erection, installation, alteration, movement, enlargement, replacement, repair, equipment, location, removal, demolition, addition to, use or maintenance of detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of such International Residential Code on file in the office of the Village of Hinckley are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the specific revisions otherwise noted in section 18-2(i)(2), of this chapter.
- (2) The following sections of the International Residential Code for One- and Two-Family Dwellings, 2015 edition, are hereby revised, amended, or added in words and figures as follow[s]:

- a. *Section R101.1 Title.* These provisions shall be known as the Residential Code of the Village of Hinckley, DeKalb County, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."

- b. *Section R105.2 Work exempt from permit.*

Building: Delete numbers 1, 2, 4, 5, and 10, then revise and renumber to read:

1. Retaining walls that are not over two feet (609.6 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
3. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
4. Swings and other playground equipment.
5. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Rest of section remains the same.

- c. *Section R108.2 Schedule of permit fees.* Insert at the end of the paragraph: This schedule of building permit fees is stated in the village code section 18-8 permit fees, as amended from time to time.
- d. *Section R108.2.1 Work commencing before permit issuance.* Any person who commences any work before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fee.

In the event that any building is undertaken without compliance with the above-referenced fee schedule after 30 days when notified of noncompliance, then and in that event, the responsible owner, contractor, or both, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code and 100 percent of the usual permit fee in addition to the required permit fee. Each day a violation continues shall be deemed a separate offense.

- e. *Section 108.5 Refunds.* The building official shall authorize the refunding of fees as follows:
1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 3. No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- f. *Section R112.1 General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the village board of trustees shall be the board of appeals. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the village board of trustees. The building official shall be an ex officio member of said board, but shall have no vote on any matter before the board. The board of appeals shall adopt rules of procedure for conducting its business. When a quorum is present, the board shall uphold, modify, or reverse the decision of the building official by a concurring vote of the majority of members present at the meeting; and, shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.
- g. *Section R112.3 Qualifications.* Deleted in its entirety.
- h. *Section R113.4 Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a

building or structure in violation of the approved construction documents or directive of the building official, or a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day a violation continues after due notice has been served shall be deemed a separate offense.

Section R113.4.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- i. *Section R114.2 Unlawful continuance.* Any person who shall continue any work in or about the structures after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.

Section R114.2.1 Court costs and legal fees. In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.

- j. *Table R301.2(1)* Insert the following data into table:

Ground snow load 30 lbs/sq. ft.
Wind design (speed) 115 mph
Wind design (topographic effects) No
Seismic design category B
Subject to damage from (weathering) Severe
Subject to damage from (frost line depth) 42" below grade
Subject to damage from (termite) Moderate to heavy
Winter design temperature -5°F
Ice barrier underlayment required Yes
Flood hazards No
Air freezing index 2,000
Mean annual temperature 48°F
Elevation 758
Latitude 42
Winter heating 1
Summer cooling 88°
Altitude correction factor .98
Indoor design temperature 72°F
Design temperature cooling 75°F
Heating temperature differential (72)
Cooling temperature differential 15
Wind velocity heating 15
Wind velocity cooling 7 1/2
Coincident wet bulb 74

Daily range M
Winter humidity 40
Summer differential 2.25

- k. *Section R313.2* One- and two-family dwellings automatic fire sprinkler systems, shall only apply to two-family dwellings.

Delete Chapters 25 through 33, inclusive, in their entirety. Reference the Illinois Plumbing

1.

Code.

(j) *Property Maintenance Code.*

- (1) *International Property Maintenance Code:* The International Property Maintenance Code™, 2015 edition, as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Village of Hinckley, DeKalb County, Illinois, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit of occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, on file in the office of the Village of Hinckley are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the specific revisions otherwise noted in section 18-2(j)(2), is hereby adopted by reference.
- (2) The following sections of the International Property Maintenance Code, 2015 edition, are hereby revised, amended, or added in words and figures as follow[s]:
- a. *Section 101.1 Title.* These regulations shall be known as the Property Maintenance Code of the Village of Hinckley, DeKalb County, Illinois, and shall be cited as such and will be hereinafter referred to as "this code."
- b. *Section 103.5 Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with fees as stated in the village code section 18-8 permit fees, as amended from time to time.
- c. *Section 106.4 Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws; and, shall be subject to the penalties set forth in section 18-8 of the Village of Hinckley code. Each day a violation continues after due notice has been served shall be deemed a separate offense.
- Section 106.4.1 Court costs and legal fees.* In the event noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village of Hinckley.
- d. *Section 111.2 Membership of board.* The board of appeals shall be the village board of trustees. Therefore, for the purposes of this code, the board of appeals shall be construed to mean the village board of trustees. The building official shall be an ex-officio member but shall have no vote on any matter before the board.
- e. *Section 111.2.1 Alternate members.* Deleted in its entirety.
- f. *Section 111.2.2 Chairman.* Deleted in its entirety.
- g. *Section 111.2.4 Secretary.* Deleted in its entirety.
- h. *Section 111.2.5 Compensation of members.* Deleted in its entirety.

- i. *Section 111.5 Postponed hearing.* When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
 - j. *Section 111.6 Board decision.* The board shall modify, reverse, or uphold the decision of the building official only by a concurring vote of the majority of members present at the meeting.
 - k. *Section 302.4 Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (8"). (Rest of section remains the same.)
 - l. *Section 304.14 Insect screens.* During the period from March 31 to October 31, every door, window and other opening required for ventilation of habitable rooms, food preparation areas, food service areas where products to be included or utilized for human consumption... (Rest of paragraph remains the same.)
 - m. *Section 602.3 Heat supply.* "...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°F (18°C) in all habitable rooms, bathrooms, and toilet rooms." (Rest of section remains the same.)
 - n. *Section 602.4 Occupiable 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°F (18°C) during the period the spaces are occupied. (No changes to Exceptions.)
- (k) (1) The International Swimming Pool and Spa Code, 2015 edition, published by the International Code Council, Inc., is hereby adopted as the swimming pool and spa code of the village for providing the minimum standards to provide a reasonable level of safety and protection of health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, and maintenance or use of pools and spas, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions, and terms of such international swimming pool and spa code, 2015 edition, are hereby referred to, adopted, and made a part hereof as if fully set out in this article, with the specific revisions otherwise noted in section 18-(k)-2. of this section.
- (2) The following section of the international swimming pool and spa code, 2018 edition, are hereby revised and amended in words and figures as follows:
- Section 101.1 Title. These regulations shall be known as the swimming pool and spa code of the Village of Hinckley, DeKalb County, Illinois, and shall be cited as such and will be hereinafter referred to as "this code."
- (l) *Adoption of Illinois Accessibility Code.* The provisions of the Illinois Accessibility Code (71 Ill. Adm. Code 400) shall control the design and construction of facilities for accessibility for individuals with disabilities.
- (m) (1) A certain document, three copies of which are on file in the office of the Village Clerk, being marked and designated as the International Existing Building Code, 2015 Edition, as published by the International Code Council, Inc. be and is hereby adopted as the Existing Building Code of the village, for regulating and governing repair, alteration, change of occupancy, additions and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code, 2015 Edition on file in the office of the Village Clerk are hereby referred to, adopted, and made part of, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in 18-(m)-2 of this section.
- (2) The following sections of the 2015 International Existing Building Code are revised as follows:
- a. Section 101.1. Insert: Village of Hinckley.
 - b. Section 1401.2 Insert: January 28, 2019.

(Code 1987, § 5-2; Ord. No. 2008-03, § 1, 2-4-2008; Ord. No. [2019-02](#), §§ 2—10, 13, 1-28-2019)

Cross reference— Utilities, ch. 86; zoning, app. A.

State Law reference— Adoption by reference, 65 ILCS 5/1-3-1 et seq.

Sec. 18-3. - Building official; appointment.

The building official (also zoning administrator) and any other building department inspection personnel, while treated as independent contractors to the village, are appointed in accordance with the administrative articles of the ICC International Building Code, chapter 1, section 103 and shall conduct the duties and have the powers and protections stated in chapter 1, section 104 for the purposes of enforcing the village's building, zoning, and related ordinances.

(Code 1987, § 5-3)

Sec. 18-4. - Permit requirements.

Before starting any activities regulated by this chapter and requiring a permit, an applicant shall comply with the requirements set forth in this chapter and the other applicable ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, zoning permits, inspections, appeals and similar matters, drainage laws along with those set forth in this chapter and as may be required by state or federal statutes and the regulations of any department of state or federal government.

(Code 1987, § 5-4)

Sec. 18-5. - Developer fees.

Within 120 days after acceptance of the final plat for any lot, regardless of the zoning classification of the lot, the developer of such lot shall pay to the village the following fees:

- (1) One thousand five hundred dollars per lot, \$750.00 of which shall be paid into the general fund of the village, and \$750.00 of which shall be paid into the water and sewer fund of the village; plus,
- (2) For each residential lot, a sum equal to \$3,500.00 per residential unit for which the residential lot is zoned, which amount shall be paid into the water and sewer fund of the village; plus,
- (3) For each nonresidential lot, a sum to be determined by the village in accordance with the planned use, zoning classification, and reasonably ascertainable costs of providing services to the lot, taking into account the information then available to the village, which amount shall be paid into the water and sewer fund of the village.

(Code 1987, § 5-5.A)

Sec. 18-6. - Reserved.

Editor's note— Ord. No. 2008-02, § 1, adopted Feb. 4, 2008, deleted § 18-6, in its entirety. Former § 18-6 pertained to fees. See Code Comparative Table 1987 Code for derivation.

Sec. 18-7. - Relationship of buildings to roads.

No building or structure shall be constructed or located or permitted on any land in or adjacent to the village where such building would be so positioned or located that if any existing village street, road, or alley were extended in a straight line, that such building would impede or restrict the construction of such street, road or alley.

(Code 1987, § 5-6)

Sec. 18-8. - Permit fee schedule.

(a) *Building permit fees.*

(1) *One-family, two-family, and multiple single family (townhouses) residential use groups:*

a.	New construction (per unit for two-family and multiple single-family dwellings)	700.00 plus \$0.20 per square foot
b.	Additions (per unit for two-family and multiple single-family dwellings)	350.00 plus \$0.15 per square foot
c.	Remodeling (per unit)	100.00 plus \$0.10 per square foot
d.	Temporary to start construction	10 percent of full permit fee, not to be applied to the full permit fee
e.	Moving of existing one- or two-family structure	650.00
f.	In-ground swimming pools	350.00
g.	Detached garage up to 750 square feet with electrical	150.00
	Detached garages over 750 square feet with electrical	300.00
h.	Demolition	100.00
i.	Permanent above-ground swimming pools with electric	150.00
j.	Conditional certificate of occupancy when requested by the builder when circumstances <u>Do Not</u> warrant	200.00 (non-refundable)

(2) *Multiple-family residential use groups:*

a.	New Construction	\$400.00 per unit plus \$0.20 per square foot for total structure floor area
b.	Additions	\$325.00 per unit plus \$0.20 per square foot for total addition floor area
c.	Remodeling	200.00 (per unit or area remodeled) plus \$0.10 per square foot for remodeled floor area
d.	Temporary to start construction	25 percent of full permit fee, not to be applied to the full permit fee
e.	Moving of existing multiple-family structure	650.00
f.	In-ground swimming pool	350.00 plus \$0.20 per square foot
g.	Demolition (of entire structure roof to foundation; not a routine part of remodel)	25 percent of new construction fee (above) minimum fee of \$100.00
h.	Detached garage up to 750 square feet with electrical	150.00
	Detached garages over 750 square feet with electrical	300.00
i.	Conditional certificate of occupancy when requested by the builder when circumstances <u>Do Not</u> warrant	50.00 per unit (non-refundable)

(3) *All other use groups:*

a.	New construction	\$850.00 plus \$0.25 per square foot
b.	Additions	700.00 plus \$0.25 per square foot
c.	Remodeling	400.00 plus \$0.15 per square foot

d.	Temporary to start construction	25 percent of full permit fee, not to be applied to full permit fee
e.	Moving of existing primary structure	650.00
f.	In-Ground Swimming Pools	350.00 plus \$0.20 per square foot
g.	Demolition (of entire or part of structure from roof to foundation; not a routine part of a remodel)	25 percent of new construction fee (above) Minimum fee: \$100.00
h.	Conditional certificate of occupancy when requested by the builder when circumstances <u>Do Not</u> warrant	200.00 (non-refundable)

(4) *Miscellaneous permits (includes plan review fee.)*

Miscellaneous permits*		\$100.00
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* *Examples:* Decks, fences, gazebos, reroof of primary structure, detached garage without electric, residing, sheds, new plumbing, new electrical and/or electrical service upgrades, electrical service to detached accessory structure, porches, moving accessory structures, enlargement of an existing exterior staircase, installation of new powered roof vents/attic fans/whole-house fans, sprinkler system for one- or two-family dwelling, public sidewalks, driveway approaches, etc.

- (b) *Voided permits:* In the event a permit holder requests to have a permit voided after payment and issuance of said permit, the permit holder shall pay 25 percent of the permit fee and the entirety of any plan review fee assessed when the permit was issued. This amount shall be withheld from the refund. In the event a request for permit is voided prior payment for the permit, the permit applicant shall pay the entirety of any plan review fee assessed and a \$100.00 administrative fee. (For plans approved under a master set of plans, the plan review fee for the original design model for the relinquished permit shall be paid, regardless of the number of structures built to that design, along with the \$100.00 administrative fee.)
- (c) *Hourly rate:* \$100.00 per hour or any part thereof, per person for any meeting, reinspection, or property maintenance related item. Minimum charge: \$100.00 for meeting or reinspection; \$200.00 for property maintenance/per day.
- (d) *Plan review fees.* Should any permit application be withdrawn after any of the following plan reviews has/have been completed, the applicant shall be responsible for payment of all plan review fees.
- (1) *One- and two-family residential:*
- New construction or additions: Ten percent of building permit fee. For developments utilizing a master set of buildings plans, this fee shall be assessed to the first structure built using an approved master plan and the first structure using each variation of the same approved

master plan. Any deviation from the master plan or its approved variation will require a separate plan review.

Minimum plan review fee: \$125.00/dwelling unit.

- b. Remodeling: Ten percent of the building permit fee.
Minimum plan review fee: \$50.00/dwelling unit.
- c. Demolition: \$50.00.
- d. In the event a permit application is withdrawn after completion of the plan review, the applicant shall pay the complete plan review fee.

(2) *Multiple-family residential:*

- a. New construction: Ten percent of building permit fee. For developments utilizing a master set of buildings plans, this fee shall be assessed to the first structure built using an approved master plan and the first structure using each variation of the same approved master plan. Any deviation from the master plan or its approved variation will require a separate plan review.

Minimum plan review fee: \$375.00.

- b. Additions: 20 percent of the building permit fee:
Minimum plan review fee: \$200.00.
- c. Remodeling: 30 percent of the building permit fee:
Minimum plan review fee: \$200.00.
- d. Electrical, energy, mechanical, and plumbing plan reviews for new construction or single item project, each: Ten percent of building permit fee—Minimum fee \$100.00.
- e. Demolition (of entire unit/structure)—25 percent of new construction fee: above.
Minimum plan review fee: \$75.00.
- f. In the event a permit application is withdrawn after completion of the plan review, the applicant shall pay the complete plan review fee.

(3) *All other use groups.*

- a. *Building code (with accessibility code) plan review fees for new construction:*

<u>Building Size</u>	<u>Fee</u>
1 to 60,000 cubic feet	\$375.00
60,001 to 80,000 cubic feet	\$425.00
80,001 to 100,000 cubic feet	\$525.00
100,001 to 150,000 cubic feet	\$575.00
150,001 to 200,000 cubic feet	\$675.00

over 200,000 cubic feet	\$675.00 + \$6.75 per 10,000 cubic feet over 200,000
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Refer to fire systems for additional fees for fire suppression/alarm systems.

b. *Electrical, mechanical, and plumbing plan review fees for new construction:*

Each of the three plan reviews is 25 percent of building code plan review fee for new construction:

Minimum plan review fee per type: \$95.00

c. *Energy conservation plan review fees:*

Each review is 25 percent of building code plan review fee for new construction:

Minimum plan review fee: \$95.00

d. *Building shell:* For any speculative structure with unfinished tenant areas, the plan review fees are calculated as for new construction, above.

e. *Tenant build-out:* Fee calculations are the same as for "new construction" for a new tenant area designed for placement in a building shell. Fees for tenant areas fully-designed and shown with the main building are included in the review fees for the main building. Minimum fees are as stated above.

f. *Tenant remodels:* For reviews for tenant areas in existing areas to be remodeled, the "remodeling" fee calculations will apply. Minimum fees are as stated above.

g. *Remodelling plan review:* 50 percent of the new construction plan review fees listed above:

Minimum plan review (all codes): \$250.00.

Minimum plan review for each type of code remodel: \$95.00.

h. *Demolition plan review fees:*

Each review is 25 percent of building code plan review fee for new construction:

Minimum plan review fee: \$95.00.

NOTE: Fire detection/alarm systems and fire suppression systems are extra fees above the "new construction, addition, or remodel" plan review fees.

(4) *Fire detection/alarm systems:*

\$125.00 per 10,000 square feet of floor area: Minimum fee: \$125.00.

(5) *Fire sprinkler system plan review fees:*

<u>Number of Sprinklers</u>	<u>Scheduled or Calculated</u>
1 to 25	\$75.00
26 to 100	\$250.00

101—200	\$500.00
201—300	\$550.00
301—400	\$600.00
401—500	\$650.00
Over 500	\$700.00
PLUS, for each Sprinkler over 500:	\$0.95/each

(6) *Alternate fire suppression systems:*

a.	Standpipe (No charge with sprinkler review)	\$175.00 per standpipe riser
b.	Specialized extinguisher agent (Dry or other chemical agent)	\$125.00 per 50 pounds agent
c.	Hood and duct cooking extinguisher agent	\$150.00 flat rate per system

- (7) *General information:* Turnaround time for all plan reviews is 15 business days—if all necessary information is provided; however, normally they are done in five to ten business days, depending upon size of the structure. If special handling is required, such as rush reviews or a preliminary review, they will be charged at the hourly rate plus the applicable fee. Second reviews are included—no extra charge. Additional third or more reviews, and when hourly rates are applicable, are charged at the hourly rate of \$100.00/hour. If a completely new design set of plans is submitted for a specific address after previous design plan has been reviewed, a new plan review fee will be charged. If any plan has to be sent to an outside consultant other than the inspection firm, the outside consultant's fee(s) will be charged and that fee paid directly to the outside consultant.

(Code 1987, § 5-7; Ord. No. 2008-02, § 1, 2-4-2008)

Secs. 18-9—18-20. - Reserved.

ARTICLE II. - DISH ANTENNAS

Sec. 18-21. - Definitions.

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

Dish means that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.

Dish-type satellite signal-receiving antenna, earth station or ground station means one, or a combination of the following:

- (1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- (3) A coaxial cable, the purpose of which is to carry or transmit such signals to a receiver.

Grounding rod means a metal pole permanently positioned in the earth to a minimum depth of eight feet which serves as an electrical conductor through which electrical current may safely pass and dissipate.

Receiver means a television set or a radio receiver and/or decoder.

(Code 1987, § 5-21)

Cross reference— Definitions generally, § 1-2.

Sec. 18-22. - Appeals.

Appeals from decisions of the building inspector under this article shall be made to the board of zoning appeals as provided by ordinance.

(Code 1987, § 5-22)

Sec. 18-23. - Permit.

- (a) No person shall construct an earth station without a permit issued in accordance with this section.
- (b) The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the village who desires to construct any earth station on the lot, premises or land parcel, must first obtain a permit to do so from the building official.
- (c) The building official shall issue such permit, provided the applicant certifies that the satellite dish shall be located in the "rear yard," as defined by the village's zoning ordinance (appendix A to this Code). The applicant shall present documentation of the possession of any license or permit required by any federal, state or local agency pertaining to the ownership, construction or operation of an earth station. The applicant shall submit with each application the sum of \$10.00 which represents the permit fee. He must also submit the manufacturer's specifications which must accompany the permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction, and processing the application. The applicant must certify that he has notified, in writing, all owners of real estate adjoining the property upon which the proposed earth station is to be erected at least ten days before issuance of a permit, and that he will comply with all location requirements in this article.

(Code 1987, § 5-23)

Sec. 18-24. - Location.

(a) The following applies to ground-mounted earth stations:

- (1) No earth station shall be constructed in any front or side yard, but shall be constructed to the rear of the main structure. For corner lots a minimum 50-foot setback from the street right-of-way line is required.
- (2) No earth station, including its concrete base slab or other substructure, shall be constructed less than five feet from any property line or easement, nor shall it exceed 12 feet in diameter.
- (3) Wiring between an earth station and a receiver shall be approved direct buried cable placed at least 24 inches beneath the surface of the ground, or shall be installed in nonmetallic conduit at least 18 inches, or in rigid conduit at least six inches, with both conduits being beneath the surface of the ground. All wiring materials and methods of construction shall conform to the National Electrical Code as adopted by the village.
- (4) An earth station shall be bonded to an approved grounding rod.
- (5) Such earth station shall be designed to withstand a wind force of 75 miles per hour without the use of supporting guy wires.

(b) The following applies to roof-mounted earth stations:

- (1) Earth stations shall be mounted directly upon an adequately designed roof of a primary or accessory structure, as defined in the building code of the village, or shall be mounted upon appurtenances approved by the building inspector. Earth stations shall not be mounted on chimneys or trees.
- (2) An earth station shall not exceed a height of more than ten feet above the roof upon which it is mounted.
- (3) An earth station dish shall not exceed ten feet in diameter.
- (4) All wiring materials and methods of construction shall conform to the National Electrical Code as adopted by the village.
- (5) An earth station shall be bonded to an approved grounding rod.
- (6) An earth station shall be designed to withstand a wind force of 85 miles per hour without the use of supporting guy wires.

(Code 1987, § 5-24)

Secs. 18-25—18-40. - Reserved.

ARTICLE III. - MOVING BUILDINGS^[2]

Footnotes:

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Cross reference— Streets, sidewalks and other public places, ch. 70.

Sec. 18-41. - Permit.

- (a) No person shall move along or place upon any streets or alleys of the village, any building or other obstruction without having obtained a permit therefor.
- (b) Applications for permits to move any building or buildings, together with the bond required in section 18-42, shall be made to the village clerk. The village clerk shall submit the application to the board of trustees, together with a statement of the route to be followed and the time estimated during which the building or buildings will occupy any portion of the public streets or alleys. If the board of trustees approves the application, a permit will be issued.
- (c) The village clerk shall issue such permits as have been approved, under his hand and the seal of the village, to authorize the person therein named to move buildings along the streets and alleys of the village. The permit shall name the streets and alleys along which the building is to be moved, and no building shall be moved along any street or alley not named in the permit.

(Code 1987, § 5-41)

Sec. 18-42. - Bond.

No permit shall be issued under this article until a bond is executed to the village by the applicant for the permit conditioned that he will assume and become liable for all damages caused, by reason of moving his building, to either the village or its property or to any individual. The bond shall be executed in the amount required by the board of trustees with such sureties as the board shall require.

(Code 1987, § 5-42)

Secs. 18-43—18-85. - Reserved.

ARTICLE IV. - FENCES

Sec. 18-86. - Fence permit application.

- (a) No person shall erect a fence within the village without first having received a fence permit from the village.
- (b) Applications for a fence permit shall be submitted with the appropriate fee to the village on forms provided by that department.

(Ord. No. 2009-05, § A, 3-2-2009)

Sec. 18-87. - Definitions.

The following definitions pertain only to this fence article. Definitions in other village ordinances are not applicable.

Fence: Any structure of wood, iron, metal or other material partitioning, enclosing or dividing a piece of land, but not including naturally growing shrubs, bushes and other foliage.

Above-ground pool: A removable pool of any shape that is located on the surrounding earth and may be readily disassembled or stored and reassembled to its original integrity.

Hot tub/spa: Any structure that contains water not less than 24 inches in depth or has a surface area of not more than 250 square feet or is equipped with a water-recirculating system and is not intended to be used for swimming or diving. It may include jet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof.

In-ground pool: A pool that is constructed in the ground and in such a manner that it cannot be readily disassembled for storage.

Swimming pool: Any structure that contains water over 24 inches in depth or has a surface area of not less than 250 square feet or is equipped with a water-recirculating system and is intended to be used for swimming.

Yards: As defined in the Village of Hinckley Zoning Ordinance.

(Ord. No. 2009-05, § B, 3-2-2009)

Sec. 18-88. - Administration.

It shall be the responsibility of the village president or his/her designee, as approved by the board of trustees, to administer this article.

(Ord. No. 2009-05, § C, 3-2-2009)

Sec. 18-89. - Prohibited fences.

- (a) No fence within the village shall contain barbed wire (except for utility substations), razor wire, electrified elements, or any components determined by the village to constitute a public safety hazard;
- (b) Any other type of fence that could result in injuries to persons climbing on or over such fences; and
- (c) Fences that are leaning in such a manner that an angle of 15 degrees or more is produced when measured from the vertical.

(Ord. No. 2009-05, § D, 3-2-2009)

Sec. 18-90. - General construction requirements.

- (a) Every fence to be erected within the village shall be designed and constructed to resist and withstand a wind pressure of at least 20 pounds per square feet of the gross proposed area of the fence, less any openings from any angle of approach.
- (b) All fence posts used in the construction of a fence shall be buried in the ground to a depth of at least one-third of the total length of said fence post.
- (c) All fence parts, anchors, and shavings of wood or other organic materials shall be treated with a chemical treatment to protect them from deterioration when they are placed in or upon the ground.
- (d) Alterations to the existing grade level preceding the use of a fence for the purpose of altering the height of the fence shall not be permitted.
- (e) No fence shall be constructed in such a manner as to impede or alter the natural surface water drainage of the property upon which the fence is constructed or any adjoining property.
- (f) Fences on corner lots shall conform to section Article 3.K. of the Hinckley Zoning Ordinance [Appendix A].
- (g) If a fence is to be painted, it shall be painted with a non-lead base paint.
- (h) The finished side of all fences shall face the street or neighboring property.

(Ord. No. 2009-05, § E, 3-2-2009)

Sec. 18-91. - General maintenance requirements.

- (a) All fences shall be maintained in good and sound condition and shall not create a harborage for rodents.
- (b) The maintenance of the fence is the responsibility of the property owner.

(Ord. No. 2009-05, § F, 3-2-2009)

Sec. 18-92. - Design, location and height requirements of fences in residential districts.

- (a) Any fence constructed within the front yard setback shall not exceed 42 inches in height and shall have a maximum opacity of 50 percent (for every one inch of closed space there must be at least one inch open space). Chain link fences are not permitted in front yards.
- (b) Perimeter fences may be erected in the side and rear setback behind the front building line. Fences shall not exceed a height of six feet except as noted in subsection (e) below. A perimeter fence must be constructed within six inches of the property lines. Only one fence is permitted along a shared property line.
- (c) Fences, to a height not to exceed six feet, may be erected, placed and maintained along a shared lot line between residentially zoned property and:
 - (1) Non-residentially zoned property;
 - (2) Major streets and highways (as defined in the village transportation plan); or
 - (3) A railroad right-of-way.
 - (4) Private fences and entry features must be located wholly on private property.
 - (5) Subdivision entryway features may not exceed nine feet in height.

(Ord. No. 2009-05, § G, 3-2-2009)

Sec. 18-93. - Design and height requirements of fences in nonresidential districts.

- (a) Fences in a non-residential district may be either solid or up to 50 percent open and shall not exceed eight feet in height. However, fences enclosing trash/dumpsters shall be 100 percent opaque.
- (b) Fences that are erected to separate residential and nonresidential properties shall preserve all trees grade one or two with a diameter of at least four inches at breast height.

(Ord. No. 2009-05, § H, 3-2-2009)

Sec. 18-94. - Swimming pool barrier/fences.

Fences surrounding swimming pools, hot-tubs, spas or other outdoor bodies of water shall be at least four feet in height.

- (1) *Permit application and approval.* A swimming pool or accessories thereto shall not be constructed, installed, enlarged or altered until plans/documents have been submitted and a permit has been obtained from the village building official for construction of a swimming pool barrier (fencing, etc.).
 - a. *"Public swimming pool" barrier/fence permit.* A village permit for fencing of a "public swimming pool" will require an approval by county or state authorities having jurisdiction over "public swimming pools". This permit approval shall be obtained before applying to the village

building official for a permit. Certified copies of this approval shall be filed as part of the supporting data for the permit application.

- b. *Land owner responsibility.* Every swimming pool permit application shall include a letter signed by the land owner, acknowledging the responsibility of required site barrier with the intent of protecting the public from access during all times of construction and final use of the pool.
- (2) *Construction plans and owners responsibility.* A swimming pool permit application must include details and design for the construction of a pool and a pool "barrier" (fences, walls or enclosures) for the protection of the public of at least four feet in height. A separate required fence barrier permit may be submitted with a letter signed by the land owner.
- a. Above ground pool structure as a barrier. Where an above ground 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 the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of a "barrier". When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a two-inch diameter sphere.
 - b. Any deck, handrail and guardrail construction adjacent to a swimming pool must comply with the village building code.
- (3) *Barrier construction.* Enclosure barriers shall be constructed so as to prohibit the passage of a sphere larger than two inches in diameter through any opening or under the fence. Fences shall be designed to withstand a horizontal concentrated load of 200 pounds applied on a one square foot area at any point of the fence.
- a. Fences that are constructed of wood shall be protected against decay with openings no more than two inches horizontally, or solid masonry or wrought iron with openings of no more than two inches horizontally, or shall be constructed of minimum number 14 gauge woven wire mesh corrosion-resistant fence material with maximum two-inch diamond openings or openings not larger than two inches horizontal by four inches vertical. All fence posts shall be decay or corrosion-resistant.
 - b. A temporary "barrier" (fence, wall enclosure) may be installed to protect the public from access to the site during construction. If a temporary barrier is used during construction, the temporary barrier must be at least four feet in height and structurally designed to resist access from unauthorized persons using the specifications referenced for barrier construction.
 - c. A fence, barrier or enclosure wall shall be part of the pool permit application.
- (4) Gates to such fences shall be self-closing and self-latching. Latches shall be placed four feet above grade, or shall otherwise be made inaccessible from the outside to small children.
- (5) Proper safety procedures for temporary fencing must be taken during pool installation. A permanent fence must be installed within 21 days after pool is filled with water and must comply with section 18-94(1), (2) and (3).

(Ord. No. 2009-05, § I, 3-2-2009)

Sec. 18-95. - Exceptions and variations.

- (a) The zoning board of appeals may vary and recommend exceptions to this ordinance where there is sufficient evidence that the presence or absence of a particular type of fence or screening would not be detrimental to the public health, safety and welfare. Application for a variation shall be submitted in writing to the village.

- (b) The zoning board of appeals shall hold a public hearing on such application upon publication of notice in a newspaper or general circulation and posting of said notice on the subject property. See zoning ordinance [Appendix A], Article 4, Section E, regarding notice requirements and Section F, regarding the procedure for requesting variations. The zoning board of appeals shall report its recommendation regarding the granting or refusing of the variance or exception in writing to the village board.
- (c) The zoning board of appeals or the village board may require from the applicant(s) such sketches, drawings or photographs as shall be necessary to indicate the present condition of the property and the condition of the property after the variation is granted. The zoning board of appeals or village board may impose reasonable restrictions or conditions which the applicant shall be required to observe if the variation is granted. In considering the application for variation, the zoning board of appeals and village board shall consider any unique physical property of the land involved, the available location for adequate fencing of the property, the effect of the proposed fence on pedestrian and motor vehicle visibility and traffic, the cost to the applicant of complying with this code as opposed to the detriment, if any, to the public from the granting of the variation and the general intent of this Code.
- (d) Conditions and restrictions may be imposed upon the subject property, the location, the construction, design and use of the property benefited by such a variation as may be necessary or appropriate to comply with the foregoing criteria and to protect adjacent property and property values.
- (e) An appeal from a final decision under this fence ordinance shall be made to the county circuit court in the manner provided by law.

(Ord. No. 2009-05, § J, 3-2-2009)

Sec. 18-96. - Violations and enforcement.

- (a) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements shall subject the offender to a fine not less than \$100.00 for first offense and not more than \$750.00 for each offense thereafter. Each day that a violation continues after notification by the village that such violation exists shall be considered a separate offense for purposes of the remedies and penalties specified in this article.
- (b) Nothing herein shall be construed to prevent the Village of Hinckley from taking such other lawful action as is necessary or appropriate to prevent or remedy any violation.
- (c) This article may also be enforced by any appropriate equitable action.

(Ord. No. 2009-05, § K, 3-2-2009)

Secs. 18-97—18-130. - Reserved.

ARTICLE V. - SIGNS

Sec. 18-131. - Purpose and intent.

The provisions of this article are intended to provide uniform regulations and content-neutral standards with regard to signs, which provide for the necessary means of identification while maintaining a safe and pleasing environment for the people of [the Village of] Hinckley.

When a sign type is not specifically listed in the sections devoted to permitted signs, it shall be assumed that such signs are expressly prohibited. If it is determined by the village president, or his or her designee, that such sign is similar to and not more objectionable than signs listed, then such signs may be permitted.

If any provision herein is declared to be unenforceable or invalid, the remainder of the ordinance shall remain in full force and effect.

(Ord. No. 2009-06, § A, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-132. - Definitions.

Any words not defined as follows shall be construed in their generally accepted meanings as defined in the most recent publication of Webster's Dictionary.

Words in the present tense shall include the future, and words in the singular include the plural, and the plural the singular; the word "shall" is mandatory, not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter.

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

Canopy and awning, fixed: Any hood, canopy or awning made of cloth, other flexible material or metal with metal frames attached to a building and carried by a frame, either supported or not supported from the ground or sidewalk.

Canopy and awning, retractable: Any hood, canopy or awning made of cloth, other flexible material or metal with metal frames attached to a building, and so erected as to permit it being retracted when not in use.

Integrated center: A building, series of attached buildings or separate buildings under the single ownership or management or having contractual agreements between the separate buildings' owners, also known as a unified shopping center.

Marquee: Any fixed hood, constructed of metal or other incombustible material, supported solely by and extending from the building to which it is attached.

Sign: A name, identification, description, display, or illustration which is affixed to, or painted on or represented directly or indirectly, upon a building, structure, billboard or parcel of land; and which directs attention to an object, product, place, activity, person, institution, organization, or business. Each display surface of a sign shall be considered to be a separate sign. The word "sign" does not include the following:

- (1) Any sign of the United States, state or municipal corporation;
- (2) The flag, emblem or insignia of a nation, governmental unit, school or religious group;
- (3) Signs located completely within an enclosed building unless affixed to a window of the building; provided, however, that the provisions of this article regulating flashing and moving signs shall apply to all such signs located completely within an enclosed building, if such signs are visible from public property;
- (4) Paper signs affixed to the interior of the window of a building for a period of less than 30 days;
- (5) Identification and addresses of establishments on awnings or marquees;
- (6) Street or house number signs not exceeding one and one-half square feet in area;
- (7) Directional signs or instructional signs conveying directions or instructions for the safety or convenience of the public (vehicular or pedestrian) or necessary for the operation of the premises and not exceeding three square feet in area;
- (8) A barber pole or similar symbol or device used to identify and display in connection with a barber shop.

Sign, advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered upon premises other than where such sign is located or to which it is affixed.

Sign, animated: Any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.

Sign, architect-contractor: A sign representing a business or firm hired to make capital improvements to or financing of a structure or property on a parcel of land upon which the sign is being displayed.

Sign, business: A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, changeable copy/reader board: A sign, or portion thereof, with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A scrolling light message portion of a sign must comply with the message change limit. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this article. All messages for changeable copy/reader board signs shall be limited to the business to which the sign is attached and/or public service announcements. In addition to time and temperature and public service announcements, no more than eight separate messages may be displayed per day. These may be rotated in any sequence.

Sign, flashing: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter, any moving illuminated sign except scrolling light messages on a changeable copy/reader board sign shall be considered a flashing sign.

Sign, gross surface area: The entire area covered by the sign consisting of the areas comprised within a single continuous perimeter enclosing the extreme limits of its display area, and in no case passing through or between any adjacent elements of it; but such perimeter shall not include any structural elements lying outside the display area of the sign.

Sign, ground base or monument: A sign supported by uprights, columns or braces placed in the ground and not attached to any building. The base of all ground base or monument signs shall be no more than two feet above grade and not exceed six feet above grade in height.

Sign, historical plaque: A commemorative plaque placed by recognized federal, state or local historical agency depicting and identifying a building's contribution to the field of architecture, or a building or site's contribution to the life of an individual, or as being representative of a historical event or an era of development in the village. Such plaque shall not exceed four square feet in area and shall be affixed flat against a building, or if a vacant site, shall be permanently mounted on a pole or other suitable support.

Sign, pole: A sign, mounted or otherwise attached, to a steel column(s) or other suitable material placed in the ground, the bottom of which is no less than eight feet above grade. Pole signs shall conform to the restrictions in Table 1.

Sign, temporary: A sign, banner, bunting, pennant, valance or advertising display to be displayed for a period not to exceed 45 days.

Sign, wall: A sign attached, applied to, painted or placed flat against the exterior front, rear or side wall of any building, with an exception in section 18-135(b).

Sign, window: Signs, regardless of material, which are on the inside of a window.

Unified shopping center: See Integrated Center.

(Ord. No. 2009-06, § B, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-133. - Administration.

It shall be the responsibility of the village president or his/her designee, as approved by the board of trustees, to administer this article.

(Ord. No. 2009-06, § C, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-134. - Violations and enforcement.

It shall be unlawful to display any sign in violation of the provision of this article. Each day of any such violation shall constitute a separate offense under this article. Any person who owns or manages a building or premises and any occupant thereof who displays a sign shall comply with the provisions of this article.

(Ord. No. 2009-06, § D, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-135. - Permitted and nonpermitted signs.

(a) The following types of signs only are permitted signs within the standards set out in this article:

- (1) Ground base or monument signs;
- (2) Wall signs;
- (3) Pole signs, in business zoning districts only, subject to the restrictions in Table 1;
- (4) Temporary signs;
- (5) Marquees;
- (6) Fixed canopies and awnings;
- (7) Retractable canopies and awnings;
- (8) Window signs;

(b) *Non-permitted signs.* Any sign not included as a permitted sign, including, but not limited to:

- (1) Signs on fences or on walls which are not a part of a building or structure;
- (2) Flashing signs, which are illuminated signs (whether stationary, revolving, or rotating) which contain any flashing lights or lights creating an illusion of movement, except those signs which display time and temperature information only, or a scrolling light message subject to the limitations contained in section 18-132, definitions;
- (3) Signs within 300 feet of any traffic control signal shall not have illumination of red, green or amber color;
- (4) Billboards and poster boards.

(Ord. No. 2009-06, § E, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-136. - Signs on residential properties.

No sign shall be displayed on buildings or premises, or that portion thereof used for residential purposes, regardless of the zoning district in which it is located, or on any vehicles parked on such property for more than 24 hours where such vehicle is readily visible to the general public, except for the following permitted signs:

- (1) One nameplate sign not exceeding one and one-half square feet in area, which may be combined with a street or house sign;
- (2) Noncommercial signs behind or affixed to windows or doors;
- (3) In the case of apartment houses for more than two families, there shall be permitted, in addition to the foregoing and in addition to any other signs permitted by reason of any commercial use of the first floor, one identification sign not exceeding five square feet in area indicating the name of the building and/or the ownership or management of such building;

- (4) Temporary signs permitted under section 18-139;
- (5) Historical plaques, where appropriate, may not exceed four square feet when attached to a building.

(Ord. No. 2009-06, § F, 3-2-2009)

Sec. 18-137. - Signs of certain charitable, educational and similar organizations.

- (a) No sign shall be displayed on the building or premises of a private, educational, philanthropic, civic or charitable institution or organization or any private club, except for temporary signs permitted under section 18-139 and except for the following permitted signs:
 - (1) Identification signs, identifying the name and/or nature of the institution or organization.
 - (2) Bulletin board signs, being structures of a permanent nature but having changeable words or figures.
- (b) The total area of all signs on the premises of each such institution or organization shall not exceed 50 square feet in area, and no one sign shall exceed 32 square feet in area.

(Ord. No. 2009-06, § G, 3-2-2009)

Sec. 18-138. - Signs located in business and industrial districts.

Signs of any type not prohibited by section 18-135 may be displayed on any property zoned B-1, B-2, B-3, I-1, I-2, and I-3, subject to the following limitations and regulations:

- (1) Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of an existing residential building, nor into a residential district, or into a street. A sign located within 300 feet of a traffic signal shall not have red, green or amber illumination.
- (2) The total permitted gross surface area of all signs for a single building shall not exceed two and one-half times in square feet the total building frontage expressed in linear feet, up to a maximum of 500 square feet for a building with one frontage, 800 square feet for a building with two frontages, and 1,000 square feet for a building with three or more frontages. If a single building is designed for occupancy by more than one use and is so used, the formula to be applied in ascertaining the permitted gross surface area for each individual establishment shall be based on the formula set out in this subsection. The owner of the building shall then be responsible for negotiating with all tenants in the building, the amount of signage allowable for each user.
- (3) No sign shall project more than 48 inches into a public right-of-way, and any such sign shall be 20 feet above grade at the base of the building. All signs in the B-1 central business zoning district that encroach on the U.S. Route 30 right-of-way must also apply for and receive a permit from the Illinois Department of Transportation.
- (4) Any permanently installed sign that is not a ground base or monument sign, entirely separate from any structure, located entirely upon private property and not projecting into a public right-of-way and otherwise in conformance with all requirements of this article shall conform to Table 1.
- (5) Signs which are not embodied as part of the soft or pliable material of an awning or canopy and which project from a building in excess of six inches or over a public right-of-way shall have the lowest portion no less than nine feet above grade, immediately below the sign.
- (6) A unified shopping center or integrated center in single ownership or control may erect only one pole sign per arterial or collector street frontage to serve the shops therein in addition to the individual signs allowed by this article. Such sign shall conform to the standards in Table 1 and subsection (2), above.

(Ord. No. 2009-06, § H, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-139. - Temporary signs.

In addition to signs otherwise permitted by this article, the following temporary signs shall be permitted, so long as such temporary signs are otherwise in conformity with this article:

- (1) Real estate signs (nonilluminated), advertising the sale or lease of the premises on which they are maintained, not exceeding ten square feet in area and not in excess of one sign per lot or premises, except that on corner lots one such sign may face each street. Such signs shall be removed immediately upon sale or lease of the premises. Said signs must be located on private property.
- (2) Architect-contractor signs. One sign of an architect and/or contractor not exceeding ten square feet in area may be displayed on a premises located in any residence district established by the village zoning ordinance, as amended, and one such sign not exceeding 20 square feet on a premises located in any business or manufacturing district established by the village zoning ordinance [Appendix A] where new construction or remodeling work is in progress, to be removed immediately upon completion of such work. In an area zoned for commercial or industrial use where the property on which construction or remodeling is in progress, one contractor-architect's sign may be erected on each street frontage said property abuts. Such signs may not be located closer than eight feet from the property line or one-half the distance between the property and the building lines, whichever is less.
- (3) Flags, emblems and signs of political, civic, philanthropic or education organizations temporarily displayed for noncommercial purposes. Said signs must be located on private property unless placed by federal, state or municipal government.
- (4) Political signs shall be permitted in any zoned district as long as such signs do not obstruct traffic or create a hazardous condition. The total surface area of the total of all political signs on a zoning lot shall not exceed 100 square feet. Political signs shall not be displayed more than 30 days prior to an election and must be removed within seven days following an election. In the event political signs are still displayed seven days following an election the village may remove said signs. Political signs shall not be permitted in any right-of-way.
- (5) Signs are permitted which advertise for sale agricultural produce grown on the same premises whereon such signs are placed on personal property owned by a resident of said premises, provided such signs shall not be larger than ten square feet in area, that no such sign shall advertise produce grown elsewhere or personal property purchased for the purpose of resale on said premises, and that no more than two such signs shall be allowed on any premises nor allowed to remain in place longer than 60 days, except as anything herein prohibited shall be permitted by another section of this article.

(Ord. No. 2009-06, § I, 3-2-2009)

Sec. 18-140. - Temporary subdivision advertising signs.

The village board, when requested in writing, may mitigate the provisions of this article regarding advertising signs only in accordance with the following provisions for the purpose of encouraging rapid and competitive sale of new subdivision development within the village. Placement of all signs shall be at the risk of the developer.

- (1) Subdivision advertising signs may be allowed until the first sale of 95 percent of all available residences included in the platted subdivision.
- (2) Arterial route means all routes indicated as arterial routes in the Village of Hinckley Transportation Plan and all subsequent amendments.

- (3) *Onsite allowance:* One sign for each direct arterial route frontage which may be advertising as well as directional. The surface area cannot exceed 32 feet in length and 16 feet in height above grade. Such signs are subject to fees as set forth in section 18-150(c).
- (4) *Off-site allowance:* Available to subdivisions which lack direct arterial route frontage. One sign shall be used for any one subdivision for any one arterial route in the immediate vicinity of logical traffic service to the subdivision. Only private property fronting such arterial route may be so used, must be directional only, and the surface area cannot exceed 12 feet in length and ten feet in height above grade. Such signs are subject to fees as set forth in section 18-150(c).
- (5) *Public right-of-way:* One sign shall be used for any land being developed for any one arterial route. Only arterial routes in the immediate vicinity and of logical traffic service to the subdivision may be so used and the surface area cannot exceed two feet in length and two feet in height. The placement of such signs on rights-of-way not controlled exclusively by the village shall be at the risk of the petitioner. The total number of such signs shall be limited to three per land being developed.
- (6) *Authorization:* All temporary sign location requests pursuant to this Section shall be approved by the village board.
- (7) *Removal:* All signs permitted pursuant to this section shall be removed when required by this section, or at the sole discretion of the village, following notice to the petitioner.

(Ord. No. 2009-06, § J, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-141. - Pennants or banners.

The village board, when requested in writing, may mitigate the provisions of this article prohibiting pennants and banners, but on a temporary basis only in accordance with the following provisions:

- (1) Temporary means a period of time not in excess of 45 days.
- (2) The use of pennants and banners may be allowed on a temporary basis
- (3) Authorization for the use of temporary pennants or banners shall be approved by the village board, and shall state the number of days such use is to be permitted. No such authorization shall be given more than twice in a calendar year for a specific location.
- (4) All such pennants and banners shall be removed at the expiration of such authorization.

(Ord. No. 2009-06, § K, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-142. - Construction requirements.

- (a) *Wind pressure and dead load requirements.* Any sign shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of net surface area; and shall be constructed to receive dead loads as required in the building code and other ordinances of the village.
- (b) *Obstruction to doors, windows or fire escapes.* No sign, retractable canopy or awning shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape. No sign, retractable canopy or awning of any kind shall be attached to a standpipe or fire escape.
- (c) *Signs not to constitute traffic hazards.* In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any sign, retractable canopy or awning in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of the position, shape, color or intensity thereof. Pursuant to the foregoing, no sign, retractable canopy or awning shall be erected or maintained in such manner as to likely interfere with,

obstruct the view of, or be confused with any authorized traffic sign, signal or devise. Accordingly, no sign, retractable canopy or awning within 300 feet of an intersection shall make use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colored lamp or light, in such a manner as to interfere with, mislead, or confuse traffic. In addition, on corner lots within that part of a yard, or other open area located within a triangular area of 25 feet from the point of intersection of the two street rights-of-way lines along those rights-of-way forming corner lot, no sign of any type shall be erected, altered or relocated which has a height of more than 30 inches above the crown of the road.

(Ord. No. 2009-06, § L, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-143. - Inspections.

If it is found that a sign is out of repair, unsafe, or nonconforming to this article, the owner shall be notified in writing of the condition, and if the owner does not remedy the defect within 30 days from the time of the service of the notice, the building inspector shall act in accordance with section 18-147.

(Ord. No. 2009-06, § M, 3-2-2009)

Sec. 18-144. - Nuisances.

Any sign displayed in violation of this article is hereby deemed a public nuisance. Any sign, retractable canopy or awning which is found to be a hazard to health or safety is hereby declared to be a nuisance and may be abated in accordance with law.

(Ord. No. 2009-06, § N, 3-2-2009)

Sec. 18-145. - Maintenance.

All signs, retractable canopies and awnings shall be kept and maintained in a safe, neat and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the permittee to prevent corrosion or deterioration caused by weather or age, and to keep the same in safe, neat and orderly condition and appearance.

(Ord. No. 2009-06, § O, 3-2-2009)

Sec. 18-146. - Removal of certain signs.

Any sign, retractable canopy or awning now or hereafter existing, which advertises a business no longer being conducted, or a product no longer being sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign may be found, within 30 days after receipt of written notice by the village to so act. Upon failure to comply with any such notice within the time specified in such order, the municipality may seek a court order to remove the sign or pursue the violation seeking a fine or other result.

(Ord. No. 2009-06, § P, 3-2-2009)

Sec. 18-147. - Unsafe and unlawful.

If the building inspector shall find that any sign, retractable canopy or awning is unsafe or insecure or is a menace to the public, has been constructed or erected, or is being maintained in violation of the provisions of this article, he shall give written notice of such finding to the permittee of the same. The

notice shall grant 30 days from the time of service of the notice unless a danger to health or safety shall require a shorter notice. Upon failure to comply with any such notice within the time specified in such order, the municipality may seek a court order to remove the sign or pursue the violation seeking a fine or other result.

(Ord. No. 2009-06, § Q, 3-2-2009)

Sec. 18-148. - Exemptions and zoning restrictions.

The provisions of this section regulating the location, placement, gross surface area, projection, height limitation and number of signs or other advertising structures shall be subject to and may be further restricted by any applicable provision of the present or hereafter adopted zoning ordinance of the village including provisions therein relating to nonconforming structures and uses.

(Ord. No. 2009-06, § R, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-149. - Building and electrical codes.

All signs erected or constructed shall conform to all technical and structural requirements to the village building and electrical codes, and other codes and ordinances.

(Ord. No. 2009-06, § S, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-150. - Permits and fees.

- (a) A permit shall be obtained from the village through written application by any owner or user of property seeking to construct, erect or maintain any sign for which the location or design is regulated by municipal ordinances. Such application shall be accompanied by plans and specifications which show the size, character, material, location, bracing, anchorage, support, means of attachment and other structural characteristics thereof, and of its frame and mounting. Prior to the issuance of a permit, the application plans and specifications shall be approved by the village.
- (b) No permit shall be issued if the village shall determine that the sign will constitute a hazard to traffic or the public by reason of obstruction of view, distraction, or endangering the safety of persons using public property. Any permit required elsewhere for electrical work in connection with any sign must be obtained in addition to the sign permit provided for in this section.
- (c) The fee to be charged for each permit issued pursuant to this article shall be established by the village board. These fees may be changed from time to time to reflect the costs of permit approval and inspections.
- (d) Upon certification that a requested sign is in conformance with all the requirements and restrictions of this article, and all fees have been paid, the building inspector shall issue a permit for the erection or placement of the requested sign.

(Ord. No. 2009-06, § T, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-151. - Variations.

- (a) Variations to this sign ordinance may be recommended by the zoning board of appeals after a public hearing. See zoning ordinance [Appendix A], Article 4, Section E, regarding notice requirements and Section F, regarding the procedure for requesting variations.

- (b) The zoning board of appeals or the village board may require from the applicants such sketches, drawing or photographs as shall be necessary to indicate the present condition of the property or sign and the condition of the property or sign after the variation is granted. The zoning board of appeals or village board may impose reasonable restrictions or conditions which the applicant shall be required to observe if the variation is granted. In considering the application for variation, the zoning board of appeals and village board shall consider any unique physical property of the land involved, the available location for adequate signing on the property, the effect of the proposed sign on pedestrian and motor vehicle traffic, the cost to the applicant of complying with the sign ordinance as opposed to the detriment, if any, to the public from the granting of the variation and the general intent of the sign ordinance.
- (c) In no instance shall a variation greater than ten percent above the allowance permitted in section 18-138(2), or Table 1, be granted by the village board unless such sign is determined to have artistic, historic or architectural significance.
- (d) An appeal from a final decision under this sign ordinance shall be made to the county circuit court in the manner provided by law.

(Ord. No. 2009-06, § U, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)

Sec. 18-152. - Legal nonconforming signs.

Signs which were erected on or before the enactment of this article which no longer conform to its terms shall be subject to the following provisions:

- (1) The size, shape, context, and appearance of such sign shall not be changed or altered unless necessary to comply with this article, as amended.
- (2) A nonconforming sign which is destroyed or damaged by fire or other casualty to the extent that the cost of restoration will exceed 50 percent of the construction cost of a comparable new sign shall not be restored unless the sign conforms to all requirements of this article.
- (3) If such damage or construction is less than 50 percent of the construction cost of a comparable new sign, all repairs shall be completed within 180 days from the date of the partial destruction.
- (4) If such damage or destruction is less than 50 percent of the construction cost of a comparable new sign and repair construction is not completed within 180 days from the date of partial destruction, then the damaged nonconforming sign shall not be restored unless the sign is made to conform to all regulations of this article.
- (5) Such signs shall be properly maintained as required by this article, but authorized maintenance shall not include the right to change or alter the size, shape, context or appearance of such sign.

(Ord. No. 2009-06, § V, 3-2-2009)

Sec. 18-153. - Violations/penalties.

- (a) Any person, corporation or entity violating any of the provisions or failing to comply with any of the requirements of this article shall, upon conviction, be fined an amount not less than \$100.00 for first offence and not more than \$750.00 for each offense thereafter. Each violation of this article shall be considered a separate offense for each and every day during which any portion of any violation of any provision of this article is committed, continued or permitted.

(Ord. No. 2009-06, § W, 3-2-2009)

Table 1

POLE SIGNS

Size of building or integrated center (sq. ft.)	Maximum height (ft.)	Maximum gross surface area (sq. ft.)
0 to 35,000	Not allowed	Not allowed
35,001 to 100,000	18	150
100,001 to 500,000	23	200
500,001 +	28	250

(Ord. No. 2009-06, 3-2-2009; Ord. No. [2017-03](#), 4-24-2017)