

ORDINANCE NO. 2018- 15

AN ORDINANCE AMENDING ORDINANCE NO. 2018-13 (AN ORDINANCE REVOKING, REPLACING, AND SUPERSEDING RESIDENTIAL LANDSCAPE ORDINANCE (NO. 00-06) AND AMENDING PUBLIC HEALTH REGULATIONS ORDINANCE (NO. 308)

WHEREAS, on July 9, 2018, the Village of Winnebago passed Ordinance No. 2018-13 entitled "An Ordinance Revoking, Replacing, and Superseding Residential Landscape Ordinance (No. 00-06) and Amending Public Health Regulations Ordinance (No. 308) also known as the Residential Landscape Ordinance of the Village of Winnebago, Illinois, and the original of the same was recorded with the Winnebago County Recorder's Office on July 27, 2018; and

WHEREAS, after passage and recording it was determined there is an inconsistency in said ordinance with Village's Zoning Ordinance in reference to restrictions on the height of fences on corner lots that are in a certain proximity to the street right-of-way corner; and

WHEREAS, it has also been determined that clarity should be added to the ordinance to reference the intent that the responsibility for enforcement of the ordinance is to be within the purview of the Village Building Official in reference to issuance of permits, but in reference to ongoing compliance with the ordinance is to be within the purview of not only the Village Building Official, but also with the Code Enforcement Officer, and any designee delegated by the Village Board to have such enforcement authority; and

WHEREAS, it has further been determined that for further clarity and continuity in enforcement of the ordinance, a specific time frame should be added to the ordinance to provide the time frame for allowed full compliance, or partial compliance to an extent deemed reasonable by the enforcing official based on the facts and circumstances of the violation, as well as the weather conditions, before further appropriate action

or proceeding is formally instituted by the Village to prevent, restrain, correct, or abate any violation covered under Ordinance No. 2018-13; and

WHEREAS, the Board of Trustees of the Village of Winnebago feels it is in the best interest of the citizenry of the Village of Winnebago to further amend Ordinance No. 2018-13 to make changes to the areas described above.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Winnebago, Illinois, that the following amendments be made to the Ordinance No. 2018-13, to wit:

ARTICLE I

Amendment to Paragraph G of Article III of Ordinance No. 2018-13:

Paragraph G of Article III shall be revoked in its entirety and replaced and superseded with the following language:

G. LOCATION PERMIT REQUIRED. Prior to the commencement of any construction or installation of a swimming pool, a location permit shall be secured from the Village Building Official. The fee for a location permit shall be as prescribed by a permit fee schedule as established and approved by the Village Board from time to time. Such schedule shall be kept on file in the Village Office and dated, with the latest dated schedule of such fees being the controlling document. In the absence of an established amount via fee schedule, the fee for a given type of permit shall be as temporarily established by the Village President and binding as to any such permits issued, but with the fee or fee structure for any such type of permit to be voted upon by the Village Board at the next regularly scheduled General Board Meeting. Such fee schedule, as approved by the Village Board, shall be the permanent fee amount until such time that the same is further amended by the Village Board.

ARTICLE II

Amendment to Paragraph B(1) of Article IV of Ordinance No. 2018-13:

Paragraph B(1) of Article IV shall be revoked in its entirety and replaced and superseded with the following language:

B. INSTALLATION AND MAINTENANCE

1. Every new fence installation shall require a permit. The permit application must be filed with the Village office and the permit fee paid for before installation begins. The fee for such permit shall be established according to the same procedure as outlined in Paragraph G of Article III of Ordinance No. 2018-13, as amended, as detailed hereinabove.

ARTICLE III

Amendment to Paragraph F(1) of Article IV(F) of Ordinance No. 2018-13:

Paragraph F(1) of Article IV(F) shall be revoked in its entirety and replaced and superseded with the following language:

1. **CORNER LOTS.** No fence, wall, or planting shall rise over three (3) feet in height above the street curb level within thirty (30) feet of any street right-of-way corner, so as to interfere with traffic visibility.

ARTICLE - IV

Amendment to Subsection A of Article VII of Ordinance No. 2018-13:

Subsection A (Notice of Violation) of Article VII of Ordinance No. 2018-13 shall be revoked in its entirety, and replaced and superseded with the following language:

1. The Village Building Official shall be responsible for enforcement of this ordinance relative to permitting. However, relative to enforcement of ongoing compliance with this ordinance, the Village Building Official, Village Code Enforcement Officer, or any designee of either delegated by the Village Board of Trustees to possess such enforcement authority, shall have the authority to enforce ongoing compliance provisions of this ordinance, and shall be considered an enforcing official for purposes of this ordinance. Such enforcing official shall serve, or cause to be served, notice in writing upon the person, firm, or corporation owning, leasing, occupying, or controlling the premises or plot of ground to the last known address of that person, firm, or corporation deemed to be in violation of the ordinance. Such notice shall demand compliance with the requirements of this ordinance within ten (10) calendar days from the postmark of the letter sent informing of the violation(s). The enforcing official shall monitor the compliance efforts of the alleged violator, and may allow reasonable extensions for compliance taking into consideration the particular facts and circumstances surrounding the violation(s), including weather conditions, provided reasonable and marked efforts at achieving full compliance, by the violator are shown during the prescribed ten (10) day calendar period.

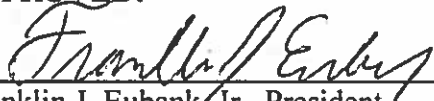
2. Any person not in compliance with any required provision of this ordinance within the time prescribed above shall be subject to the fines and penalties referenced above, as well as the cost of any required removal or remediation as described above.
3. In addition to other remedies as specified in this ordinance, the Village may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this ordinance, including such actions as may be necessary for the Village to recoup costs incurred and reasonable attorney fees in pursuance of the enforcement of this ordinance.

ARTICLE -V

All other provisions of the Ordinance No. 2018-13, not inconsistent with the amendments contained herein, shall remain in full force and effect.

This ordinance shall be in full force and effect immediately from and after its passage, approval, and publication as provided by law.

APPROVED:



Franklin J. Eubank, Jr., President
Village of Winnebago Board of Trustees

ATTEST:



Sally Jo Huggins, Village Clerk

PASSED: 10-8-2018

APPROVED: 10-8-2018

PUBLISHED: _____