TITLE VII BUILDING REGULATIONS

CHAPTER 1. BUILDING CODE

7-1-1. ADOPTION.

The ~~2015~~ **2021** edition of the International Building Code, including appendix chapters, as published by the International Code Council is hereby adopted in its entirety as the building code of the Village of Poplar Grove, Illinois, 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 for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures 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 building code are hereby referred to, adopted, and made a part hereof as if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the building code, including appendix chapters, is on file with the Clerk of the Village.

Wherever the word "municipality" is used in the building code, it shall be held to mean the Village of Poplar Grove.

Wherever the term "corporation counsel" is used in the building code, it shall be held to mean the Village Attorney of Poplar Grove.

(Ord. 329, 11-4-1975; Amd. 1984 Code; Ord. 765, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-1-2. BUILDING OFFICIAL.

A. Establishment: The ~~Office of~~ **Village** Building **Department** ~~Official~~ is hereby created and the executive official in charge shall be known as the Building Official. Said Building Official shall ~~be appointed by the Village Board for one year periods, with the advice and consent~~ **provide services to the Village under a contract service agreement approved by** ~~of~~ the Village Board of Trustees.

During the temporary absence or disability of the Building Official the ~~appointing authority~~**Village Board of Trustees** shall designate an acting Building Official.

B. Qualifications. To be eligible to appointment, the candidate for the position shall have had experience as an architect, **Illinois licensed** structural engineer, Building Inspector or superintendent of building construction. He**/she** shall be in good health, physically capable of making the necessary examinations and inspections. He**/she** shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal, and demolition.

C. Duties. The duties of the Building Official shall be the same as described in the Village zoning ordinance passed October 4, 1959~~1~~.

D. Cooperation of Other Officials. The Building Official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the Village.

E. Right of Entry. The Building Official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

(Ord. 329, 11-4-1975; Amd. 1984 Code)

7-1-3. COMPENSATION FOR INSPECTORS.

Building, electrical and plumbing inspectors shall be paid compensation for inspections as fixed from time to time by the Village of Poplar Grove Village Board.

A. All Village building, electrical, and plumbing inspectors shall ~~be issued an official Village badge identifying them and~~ **carry with them at all times company identification. This identification, by virtue of a contract with the Village,** ~~authorizing~~ **shall authorize** them to carry out their official duties herein.

(Ord. 545, 9-10-2001; Ord. 572, 7-8-2002; Amd. Ord. 2013-030, 12-9-2013)

7-1-4. ISSUANCE OF BUILDING PERMITS.

A. Issuance. The Village Clerk or his**/her** designee may issue a building permit. All applications for building permits shall be **applied for on forms supplied by the Village and shall be** accompanied by a drawing or a sketch showing what is contemplated, **including the creation of a drainage plan and a grading plan for residential lots where subdivision plans do not contain a grading plan as outlined in Schedule A,** and such plans and applications shall be a final permit.

B. Commercial Building or Remodeling. Permit applications for commercial building or remodeling are subject to review of all Building Inspectors. Four complete sets of all phases of the construction shall be furnished with the application.

(Ord. 545, 9-10-2001; Ord. 2017-05, 4-17-2017)

7-1-5. PERMIT FEES.

A. Application Fee.

1. All permit applications shall require an application fee of $25.00. **All new construction must submit a list of all contractors and subcontractors to be used at the time of application submittal.**

B. Fees for permits required by this chapter shall be as set forth in the Building Permit Fee Schedule adopted by the Village Board of Trustees.

C. Time Limit ~~Renewal~~ **Extension**. ~~A building permit shall be valid for one year from date of issue.~~ A building permit may be ~~renewed~~ **extended** once **by the Building Inspector at the discretion of the Building Official. The length of the extension shall be determined by the Building Inspector. An application fee of $50 is required to extend a building permit.** ~~for a one-year period by completing an application and paying only the application fee.~~

D. Work Commenced Without Permit. The fees for work started before a permit is issued shall be increased by 100 percent when in violation as determined by the Building ~~Inspector~~ **Official**.

E. Square Foot Computation. To compute the square footage for the fees the following procedure and dimensions shall govern:

1. Building, electrical and demolition:

a. The exterior dimensions shall be used for all floor areas including basements, garages and additional floors for the building.

b. For remodeling, the square footage of all areas being remodeled shall be used.

2. Heating. The exterior dimensions for all areas (including basements) which shall be heated shall be used.

F. Reinspection Fee. There shall be a reinspection fee charged for any reinspection regarding this section consistent with the Building Permit Fee Schedule as adopted by the Village Board of Trustees. **The reinspection fee is $52 for a residential inspection and $63 for a commercial building inspection.**

G. Temporary Certificate of Occupancy. The Building Inspector and/or Building Official may issue a Temporary Certificate of Occupancy for a building that meets all life safety issues. A non-refundable fee for a Temporary Certificate of Occupancy is $100 for a residential project and $500 for a commercial project per request.

In each case when a Temporary Certificate of Occupancy is to be issued, an ~~cash~~ escrow shall be submitted to the Village by the party who applied for the Building Permit to ensure completion of all remaining work will be conducted in a timely manner ~~or, in the case of contractor who fails to complete the work within the time frame allowed by the Temporary Certificate of Occupancy~~. The escrow value for any work remaining within the public right of way shall be in the form of a letter of credit in the name of the Village in an amount set forth on Schedule B in the office of the Village Clerk which may be amended from time to time as necessary. The escrow amount for any work remaining on any non-public property shall be 115% of the contract value. Any remaining escrow amount shall be refunded to the party who posted it upon issuance of a Final Certificate of Occupancy.

(Ord. 777, 1-11-2010; ; Amd. Ord. 2014-10, 4-25-2014; Amd. Ord. 2017-05, 4-17-2017; Amd. Ord. 2018-06, 6-28-2018)

7-1-6. DEPOSIT REQUIRED; RESTORATION OF VILLAGE PROPERTY.

A. In all cases for application for building permits involving new construction or remodeling where Village streets or Village property is affected thereby by the installation of sanitary sewer lines and/or municipal water lines, the general contractor, the owner, or the person making application for said building permit shall deposit the sum of $250.00 at the date of making application for a building permit and no building permit, in such case, shall be issued by the Zoning Building Officer until receipt of such deposit either in cash or certified check.

B. Said deposit shall be held by the ~~Zoning Building Officer~~ **Village** and returned to the person who deposited same when the Village property so affected has been restored to the same condition as existed before construction was commenced.

C. In all of such cases the contractor, owner, or the person making application for said building permit shall be responsible for suitable barricades, lighting and flares, same to be erected around construction area located on Village property.

D. Should said Village property not be restored or should any person fail to erect suitable barricades or to keep and maintain said area properly guarded by flares, the Village may expend any portion or all of said deposit for such purposes.

(Ord. 278)

7-1-7. AMENDMENTS.

The ~~2015~~ **2021 International** Building Code is amended to reflect the following:

• Sections 105.2(1), (6) and (6) are hereby deleted.

• Create new section 107.2.5.1.2 to read as follows. "In addition to the requirements in section 107.2.5. a topography/grading plan and a proposed top of foundation elevation must be submitted with each permit application as determined by the Building Official."

~~• Create new section 107.2.5.1.3 to read as follows: "A top of foundation survey must be submitted upon completion of the foundation being installed and prior to any framing being placed on the foundation to confirm the foundation elevation and required setbacks."~~

• Create new section 111.1.1 to read as follows: "All floor coverings shall be installed and completed in all areas prior to issuing a certificate of occupancy."

• Create new section 111.1.2 to read as follows: "The developer and/or contractor shall be responsible to notify the Village a minimum of 21 days prior to the Certificate of Occupancy request. All sidewalk, driveway and landscaping improvements shall be complete before developer and/or contractor provide said notification. The Village shall perform a record topographic survey which shall be compared against the grading plan for the subdivision in which the building is occurring. The Village shall provide the developer and/or contractor with the survey results, and the Village may require areas found to be inconsistent with the grading plan to be remedied before a final certificate of occupancy is issued. No final building Inspections shall be scheduled until the 21-day notice has been submitted."

• The exceptions under Section 1806.2 are amended to read as follows:

"1. A presumptive load-bearing capacity shall be permitted to be used where the Building Official deems the load-bearing capacity of mud, organic silt or unprepared fill is adequate for the support of lightweight or temporary structures.

2. Depending on the use, the code official may accept designs based upon an assumed soil bearing capacity of 1500 psf provided all of the following conditions are met:

   a) The building height does not exceed one (1) story or 20 feet in buildings which contain masonry or concrete walls.

   b) The building height does not exceed one (1) story or 25 feet in buildings which do not contain any masonry or concrete walls.

   c) The foundation is shallow and the building does not include a basement.

   d) The building seismic use group is not category 11 or 111 as listed in Table 1604.5.

   e) Footings bear on virgin soil that is not questionable including but not limited to plastic, liquefied, highly sensitive clays, weakly cemented, peats or organic and expansive materials.

3. Prior to issuance of a building permit, a statement in accordance with Section 1704.1.1 shall be submitted by the permit applicant including the name of the design professional or qualified soils engineer who will be conducting the inspection.

   a) Following excavations and prior to pouring of foundations, a site inspection and written report shall be prepared by an Illinois licensed design professional or qualified soils

engineer that no questionable soils have been discovered. A copy of inspection report shall be submitted to the code official prior to inspection listed in Section 109.3.1."

• Section 2901.1 shall be deleted and replaced with the following language, "Plumbing for new and existing structures shall comply with the Illinois Plumbing Code."

• The following appendices shall be adopted as part of this code:

Appendix F Rodent-Proofing

Appendix G Flood-Resistant Construction

Appendix 1 Patio Covers

The definition of "Residential Aircraft Hangar" contained in Section ~~412.3.1~~ **412.4.1** is amended to read as follows: "RESIDENTIAL AIRCRAFT HANGAR. An accessory building which maximum size does not exceed the allowable lot coverage in the underlying base zoning district and which height does not exceed the height of the primary structure on the property, constructed on a one- or two- family residential property where aircraft are stored. Such used will be considered as a residential accessory use incidental to the dwelling."

Section ~~412.3.6~~**412.4.5** is amended to read as follows: "Height and area limits. The area of a residential aircraft hangars shall not exceed the allowable lot coverage in the underlying base zoning district and the height shall not exceed the height of the primary structure.

(Ord. 656, 11-14-2005; Amd. Ord. 18-04, 3-21-2018; Amd. Ord. 2018-06, 6-28-2018)

7-1-8. SAVING CLAUSE.

Nothing in this chapter or in the building code hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

(Ord. 329, 11-4-1975)

7-1-9. VALIDITY.

The invalidity of any section or provision of this chapter or of the building code hereby adopted shall not invalidate other sections or provisions thereof.

(Ord. 329, 11-4-1975)

~~7-1-10. PENALTY.~~

~~The penalty shall be the same as laid out in Section 7-17-1 of the Village Code.~~

~~(Ord. 329, 11-4-1975; Amd. Ord. 2018-06, 6-28-2018)~~

CHAPTER 2. ELECTRICAL CODE

7-2-1. ADOPTION.

The provisions of the ~~2014~~**2020** National Electrical Code as promulgated by the Institute of Electrical and Electronics Engineers, Inc., is hereby adopted in its entirety as the electrical code of the Village of Poplar Grove, Illinois, for any buildings and premises in the Village and providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said electrical code of the Village are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this chapter.

One copy of the electrical code is on file with the Clerk of the Village.

(Ord. 769, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-2-2. APPLICATION FOR PERMIT.

Prior to the beginning of electrical installation, application must be made to a Village official for a permit. A Village official may, in any case, require the application to be accompanied by drawings and specifications of the proposed installation and equipment to a reasonable detail.

(Ord. 340, 1-3-1978)

7-2-3. FEES FOR PERMITS AND INSPECTIONS.

A Village official shall charge and collect from the person doing electrical work under the terms of this chapter the fees as set forth in the Village's Building Permit Fee Schedule.

(Ord. 545, 9-10-2001; Amd. Ord. 2018-06, 6-28-2018)

7-2-4. AMENDMENTS.

The ~~2014~~**2020** edition of the National Electrical Code as previously adopted by the Village is amended as follows:

• Create new Article 210.19 (A) (5) to read as follows:

"Article 210.19 (A) (5) Conductors. The wiring used to supply power to a permanently installed microwave oven consist of a dedicated circuit installed with 12 AWG or larger conductors."

• Amend Article 210.70 (A) (3) to read as follows:

"Article 210.70 (A) (3) Storage of Equipment Spaces. For accessible attics, underfloor spaces, utility rooms, each area of an unfinished basement, and equipment spaces, at least one lighting outlet containing a switch or controlled by a wall switch shall be installed in such spaces. At least one point of control shall be at the usual point of entry to these spaces. A lighting outlet shall be provided within six feet of an equipment requiring service."

• Amend Article 210.70 (C) to read as follows:

"210.70 (C) Other Than Dwelling Units. For accessible attics, underfloor spaces, at least one lighting outlet containing a switch or controlled by a wall switch shall be installed in such spaces. At least one point of control shall be at the usual point of entry to these spaces. A lighting outlet shall be provided within six feet of an equipment requiring service."

• Create new Article 230.11 to read as follows:

"Article 230.11 Service Modification. When any part of the service entrance equipment, branch circuit panel, or service conductor is replaced, modified, or required to be repaired, the service in its entirety must be installed to comply with the current codes. The main branch circuit panel shall be at least 16 spaces.

Exception. Replacement or addition of a branch circuit overcurrent protective device."

• Amend Article 230.43 to read as follows:

"Article 230.43 Wiring Methods for 1000 volts. Nominal or Less. Service-entrance conductors and service laterals overhead shall be installed in accordance with the applicable requirements of this code covering the type of wiring methods used and shall be limited to rigid metal conduit (RMC) or intermediate metal conduit (IMP), Electrical metallic tubing (EMT), may be used inside a building or structure."

• Amend Article 230.70 (A) (1) to read as follows:

~~"Article 230.70 (A) (1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location, either outside of a building or structure, or inside at or within 5 feet of the meter enclosure."~~

• Create new subsection (3) to Article 250.52 (A) (3) to read as follows:

"Article 250.52 (A) (3) (3) Concrete Encased Electrode. A concrete encased electrode will be required in all new construction."

• Create new Article 300.1 (D) to read as follows:

"Article 300.1 (D) Mixed Use and Occupancy Buildings. The entire mixed use and occupancy building shall be wired by the most restrictive code."

• Amend Article 300.5 (D) (3) to read as follows:

"Article 300.5 (D) (3) Service Conductors. Underground service conductors shall be installed in galvanized or stainless steel rigid metal conduit (RMC) or intermediate metal conduit (IMC). Underground service conductors that are not subject to physical damage may be installed in schedule 80 rigid electrical nonmetallic (PVC) protected by galvanized or stainless steel rigid conduit (RMC) or intermediate metal conduit (IMC) to a minimum of 450 mm (18 inches) below grade. No exposed non-metallic conduit shall be allowed. Underground service conductors that are not encased in concrete and that are buried 450 mm (18 inches) or more below grade shall have their location identified by a warning ribbon that is placed in the trench at 30 mm (12 inches) above the underground installation."

• Create new Article 300.11 (A) (3) to read as follows:

"Article 300.11 (A) (3) Tie Wire. Tie wire shall not be allowed as a sole means of supporting or securing conduit or cable in above ground applications."

• Create new Article 300.13 (C) to read as follows:

"Article 300.13 (C) Multiple Conductors. A device designed to be used for switching or as a receptacle may not be used to provide electrical continuity to any circuit conductor."

• Create new Article 300.13 (D) to read as follows:

"Article 300.13 D Push Type Clamping Devices. No push type or clamp type connections for splices or for terminating to devices will be allowed unless the wire connection is secured with a screw or crimping tool.

Exceptions:

1. Disconnecting means for ballasts.
2. Factory installed terminations in luminaires."

• Amend Article ~~310.106~~ **311.12** (B) to read as follows:

"Article ~~310.106~~ **311.12** (B) Conductor Material. Conductors in this article shall be aluminum, copper-clad aluminum, or copper unless otherwise specified. Aluminum and copper-clad aluminum shall be prohibited to be installed in sizes smaller than 4 AWG. Stranded aluminum conductors 4 AWG through 1000 kcmil marked as RHH, RHW, XHHW, THW, THHW, THHN, service entrance type SE Style U and SE Style R shall be made of an AA-8000 series electrical grade aluminum alloy conductor material."

• Amend Article 314.27 (A) (2) to read as follows:

"Article 314.27 (A) (2) Ceiling Outlets. At every outlet used exclusively for lighting, the box shall be designed or installed so that a luminaire or lampholder may be attached. Boxes shall be required to support a luminaire weighing a minimum of 23 kg (501b). A luminaire that weights more than 23 kg (501b) shall be supported independently of the outlet box, unless the outlet box is listed and marked on the interior of the box to indicate the maximum weight the box shall be permitted to support. In all habitable rooms with a ceiling fixture (other than recessed fixtures) in a location acceptable for a ceiling suspended (paddle) fan in single family, two family or multi-family dwellings, a box rated for ceiling fan support shall be installed."

• Amend Article 334.10 to delete subparagraphs 1-5 and replace with the following language:

"Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used only in the following: R-2, R-3 and R-4 structures (as defined by the International Building Code) not exceeding three floors above grade. Single family homes and duplexes are allowed to use NM, NMC and NMS."

• Add new Article 334.15(D) to read as follows:

"Article 334.15 (D) All Unfinished Areas. Any exposed cable 7 feet (213.36 cm) or closer to the floor must be protected with a durable building material or sleeved in an approved manner."

• Amend Article 410.36 (B) to read as follows:

"Article 410.36 (B) Suspended Ceilings. Framing members of suspended ceiling systems used to support luminaires shall be securely fastened to each other and shall be securely attached to the building structure at appropriate intervals. Luminaires smaller than 610 mm by 610 mm (24 inches by 24 inches) shall be securely fastened to the ceiling framing member by mechanical means such as bolts, screws, or rivets. Listed clips identified for the use with the type of ceiling framing members and luminaires shall also be permitted. Fluorescent fixtures 620 mm by 610 mm (24 inches by 24 inches) or larger shall be supported independently of the ceiling grid by at least two wires on opposite corners of the fixture. The same size (or larger) wire used to support the ceiling system shall be used to support the fixture, but in no case shall the wire size be smaller than the size number 12 AWG steel."

(Ord. 2018-06, 6-28-2018)

CHAPTER 3. PLUMBING CODE

7-3-1. ADOPTION.

The provisions of the 2014 Illinois Plumbing Code as promulgated by the Illinois Department of Public Health and as may be amended from time to time, is hereby adopted in its entirety as the plumbing code of the Village of Poplar Grove, Illinois, for any buildings and premises in the Village and providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code of the Village are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this chapter.

One copy of the Plumbing Code is on file with the Clerk of the Village.

(Ord. 771, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-3-2. AMENDMENTS

A.

1. CPVC Pipe for Residential Dwelling Exception. CPVC pipe may be used for hot and cold-water piping for domestic use inside residential units only and not in commercial or industrial units. The CPVC pipe must be clamped on all for joints.

2. For water service from the public water main to the residence, 3/4 to 2 inch IPS HDPE water service tubing rated for 200 psi, and manufactured in compliance with ASTM D2239, SIDR-7 meeting AWWA specification C901 may be used. Tubing shall be cross length polyethylene or equivalent. Fittings shall be of compression type with stainless steel stiffener. Tubing shall also be installed with 10 gage insulated copper solid wire, and a Valvco tracer wire box or equivalent. The Valvco box or equivalent shall be installed on the outside of the residence, for access by public works employees. All water meters shall be secured to the wall or floor with some form of a support bracket. Comparable brands of HDPE shall be approved by the public works director or water supervisor before installation.

B. Indirect Waste Piping. Waste water from softeners shall only discharge directly into sanitary systems.

C. Water Service Pipe Installation in its Entirety and Adding. The minimum depth for any water service pipe shall be at least six (6) feet minimum depth or the maximum frost penetration of the local area whichever has the greater depth.

D. Design of a Building Water Distribution System (f) Water Hammer (1) Air Chambers. Where an air chamber is installed in a fixture supply, it shall be at least twelve (12) inches in length and at least the same size as the fixture supply. Where an air chamber is installed in a riser, it shall be at least 24 inches in length and at least the same size as the riser. Air chamber shall be provided on all fixtures supply pipe; the size of the air chamber shall be determined by multiplying twenty-four times the diameter of the fixture supply pipe.

E. In all buildings that have a pump drain system, a pump must be installed discharging to either a storm drain system or to the outside yard area; no connection to a sanitary sewer will be allowed at any time.

~~The 2014 edition of the Illinois Plumbing Code as promulgated by the Illinois Department of Public Health and adopted by the Village is amended to reflect the following:~~

~~A. Copper Water Tube. Joints in copper tubing shall be made with cast bronze or wrought copper pressure fittings, properly soldered or brazed, or by means of compression or flared joints. Flared joints shall not be installed underground except for water services, water meter yokes and stop box connections. Underground water connections shall be made by flared joints or silver soldered joints.~~

~~1. CPVC Pipe for Residential Dwelling Exception. CPVC pipe may be used for hot and cold-water piping for domestic use inside residential units only and not in commercial or industrial units. The CPVC pipe must be clamped on all for joints.~~

~~2. For water service from the public water main to the residence. 3/4 to 2 inch ISP HDPE water service tubing rated for 200 psi, and manufactured in compliance with ASTM D2239. SIDR-7 meeting AWWA specification C901 may be used. Tubing shall be cross length polyethylene or equivalent. Fittings shall be of compression type with stainless steel stiffener. Tubing shall also be installed with 10 gage insulated copper solid wire, and a Valvco tracer wire box or equivalent. The Valvco box or equivalent shall be installed on the outside of the residence, for access by public works employees. All water~~

meters shall be secured to the wall or floor with some form of a support bracket. Comparable brands of HDPE shall be approved by the public works director or water supervisor before installation.

B. Water Service Pipe Installation. The water service and the building drain or building sewer may be installed in the same trench provided that the water service is placed on a solid shelf a minimum of 18 inches above the building drain or building sewer. For such installations, the building sewer shall be of material listed in appendix A: table A ("Approved Building Drainage /Vent Pipe") for a building drain. (See appendix I: illustration F for the proper installation of water service, building drain and building sewer). Cast iron ductile for mains only.

C. Water Service Pipe Installation in its Entirety and Adding. The minimum depth for any water service pipe shall be at least six (6) feet minimum depth or the maximum frost penetration of the local area which is over greater depth.

D. Design of a Building Water Distribution System (f) Water Hammer (1) Air Chambers. Where an air chamber is installed in a fixture supply, it shall be at least twelve (12) inches in length and at least the same size as the fixture supply. Where an air chamber is installed in a riser, it shall be at least 24 inches in length and at least the same size as the riser. Air chamber shall be provided on all fixtures supply pipe: the size of the air chamber shall be determined by multiplying twenty-four times the diameter of the fixture supply pipe.

E. Determination of Sizes for Drainage System (E) Future Fixtures. When provision is made for the future installation of fixtures, those provided for shall be considered in determining the required size of drain pines and vent piping during initial construction. Piping provided for such future installation of fixtures shall be determined with a plugged fitting or fittings at the stack so as to form no dead ends. In a multi-story building, when openings are roughed in for future fixtures below the uppermost level, properly sized vent piping shall be connected to the vent system and carried down to the appropriate lower level and be capped or plugged in an accessible location for venting of the future fixtures. All rough-in piping for future fixtures is to be completely installed and air tight by use of proper fittings.

F. Design of a Building Water Distribution System. In the water installation of a building stern all piping of hot and cold water for domestic use shall be of galvanized copper type "K". type "L" or type "M". A piping type known as Aquapex by Wirsbo or similar type may be used as a piping alternative for hot and cold potable water systems."

(Ord. 572, 7-8-2002; Ord. 68 1, 7-10-2006; Amd. Ord. 2018-06, 6-28-2018)

7-3-3. AMENDMENTS.

A. Copper Water Tube. Joints in copper tubing shall be made with cast bronze or wrought copper pressure fittings, properly soldered or brazed, or by means of compression or flared joints. Flared joints shall not be installed under ground except for water services, water meter yokes and stop box connections. Underground water connections shall be made by flared joints or silver soldered joints.

1. CPVC Pipe for Residential Dwelling Exception. CPVC pipe may be used for hot and cold-water piping for domestic use inside residential units only and not in commercial or industrial units. The CPVC pipe must be clamped on all for joints.

2. For water service from the public water main to the residence, 3/4 to 2 inch ISP HDPE water service tubing rated for 200 psi, and manufactured in compliance with ASTM D2239, SIDR-7 meeting AWWA specification C901 may be used. Tubing shall be cross length polyethylene or equivalent. Fittings shall be of compression type with stainless steel stiffener. Tubing shall also be installed with 10 gage insulated copper solid wire, and a Valvco tracer wire box or equivalent. The Valvco box or equivalent shall be installed on the outside of the residence, for access by public works employees. All water

meters shall be secured to the wall or floor with some form of a support bracket. Comparable brands of HDPE shall be approved by the public works director or water supervisor before installation.

B. Indirect Waste Piping. Waste water from softeners shall only discharge directly into sanitary systems.

C. Water Service Pipe Installation. The water service and the building drain or building sewer may be installed in the same trench provided that the water service is placed on a solid shelf a minimum of 18 inches above the building drain or building sewer. For such installations, the building sewer shall be of material listed in appendix A: table A ("Approved Building Drainage/Vent Pipe") for a building drain. (See appendix I: illustration F for the proper installation of water service, building drain and building sewer). Cast iron ductile for mains only.

D. Water Service Pipe Installation in its Entirety and Adding. The minimum depth for any water service pipe shall be at least six (6) feet minimum depth or the maximum frost penetration of the local area which is over greater depth.

E. Design of a Building Water Distribution System (f) Water Hammer (1) Air Chambers. Where an air chamber is installed in a fixture supply, it shall be at least twelve (12) inches in length and at least the same size as the fixture supply. Where an air chamber is installed in a riser, it shall be at least 24 inches in length and at least the same size as the riser. Air chamber shall be provided on all fixtures supply pipe; the size of the air chamber shall be determined by multiplying twenty-four times the diameter of the fixture supply pipe.

F. Determination of Sizes for Drainage System (E) Future Fixtures. When provision is made for the future installation of fixtures, those provided for shall be considered in determining the required size of drain pipes and vent piping during initial construction. Piping provided for such future installation of fixtures shall be determined with a plugged fitting or fittings at the stack so as to form no dead ends. In a multi-story building, when openings are roughed in for future fixtures below the uppermost level, properly sized vent piping shall be connected to the vent system and carried down to the appropriate lower level and be capped or plugged in an accessible location for venting of the future fixtures. All rough-in piping for future fixtures is to be completely installed and **airtight** by use of proper fittings.

G. Vent Terminal Size. Each vent extension through the roof shall be a minimum of three (3) inches in diameter with a four inch increaser and no smaller than the vent which it terminates. Vent terminals shall not be screened. The minimum size of any vent stack going through the roof shall be two (2) inches with a three (3) inch increaser.

H. Design of a Building Water Distribution System. In the water installation of a building stern all piping of hot and cold water for domestic use shall be of galvanized copper type "K", type "L" or type "M".

I. In all buildings that have a pump drain system, a pump must be installed discharging to either a storm drain system or to the outside yard area; no connection to a sanitary sewer will be allowed at any time.

J. A piping type known as Aquapex by Wirsbo or similar type may be used as a piping alternative for hot and cold potable water systems.

(Ord. 482, 10-10-1998; Ord. 572, 7-8-2002; Ord. 681, 7-10-2006; Ord. 709, 10-8-2007)

CHAPTER 4. PRIVATE SWIMMING POOLS

7-4-1. DEFINITION.

A "private swimming pool" shall mean a manmade rigid or semirigid receptacle, either on, in or below ground, either permanent or temporary, and having a depth capable of being filled with at least twenty four inches

of water and intended to be used for swimming, bathing or wading and used exclusively for such purposes by the owner or tenant on the lot or premises in the Village on which it is located, as well as his family, friends or guests.

(Ord. 330, 5-4-1976)

7-4-2. PERMIT REQUIRED; FEE.

No person, owner, agent, lessee, contract purchaser or renter shall construct or cause to be constructed any private swimming pool in the Village without first obtaining a permit from the Village Clerk or authorized official. Such application for permit shall show the location on the premises, maximum depth and area of said pool. The fee for such permit shall be **per the Village fee schedule**~~$20.00 for each 1,000 cubic feet (7,500 gallons) or fraction thereof to be contained within the proposed pool~~.

(Ord. 777, 1-11-2010)

7-4-3. EXISTING POOLS, COMPLIANCE REQUIRED.

Private swimming pools located on any lot in the Village on the effective date of this chapter shall be brought into conformity with subsections 7-4-5A and E of this chapter within a reasonable time to be fixed by the Building Inspector or Village Clerk.

(Ord. 330, 5-4-1976)

7-4-4. DISCHARGE OF POOL WATER.

No water from private swimming pools shall be discharged directly into the Village sanitary sewer system.

(Ord. 330, 5-4-1976)

7-4-5. REQUIREMENTS AND REGULATIONS.

Every owner, contract purchaser, lessee, tenant or licensee of a lot or premises upon which a pool is situated shall observe the following:

A. Fences. Maintain at all times a fence completely surrounding the pool of not less than four feet in height with no gaps or aperture or other doors or gates. All said doors or gates shall be equipped with self-enclosing and self-latching devices placed on top of such doors or gates and made ~~unaccessible~~ **inaccessible** to small children, provided however, the door of the dwelling which comprises part of such enclosure need not be so equipped.

Exception. An aboveground pool which is in excess of four feet or higher from ground level shall not be required to have an additional fence, provided that a ladder to gain access is removable.

B. Source of Water. No source of water other than that of the Village shall be used in private swimming pools.

C. Air Gap. There shall be an air gap of at least six inches between the filling area and the water source at all times.

D. Plumbing and Electrical Work. Any and all plumbing and electrical work performed and used in the operation of a swimming pool shall be subject to the inspections of the Building Inspector of the Village.

E. Maintenance. Every private swimming pool located in the Village shall be maintained and operated in a clean and sanitary manner.

F. Filtering System. No private swimming pool in excess of 2,500 gallons' capacity shall be installed or used without a recirculating and filtering system having a minimum hourly capacity equal to the pool volume divided by eight. Sufficient filter area shall be provided to filter the entire pool volume in 18 hours at a rate not exceeding three gallons per square foot of filter area per minute.

(Ord. 330, 5-4-1976; Ord. 400, 11-18-1991)

~~7-4-6. PENALTY.~~

~~Any person, agent, owner, contract buyer, renter, licensee or tenant violating all or any part of this chapter shall be subject to penalty and fine of not less than $10.00 nor more than $500.00 for each offense, and a separate offense shall be deemed committed each day during which a violation occurs or continues.~~

~~(Ord. 330, 5-4-1976; Amd. 1984 Code)~~

7-4-7. SEWER CREDIT.

Residents will be provided an opportunity to apply for a sanitary sewer credit one time annually for the filling of a private swimming pool. The credit will appear on a subsequent utility bill. The calculation for the sewer credit will be based on a 12 month average usage and appear as a credit on the utility bill.

(Ord. 2015-12, 9-14-2015)

CHAPTER 5. SIGNAGE

7-5-1. PURPOSE.

The purpose of this chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

(Ord. 587, 4-14-2003)

7-5-2. GENERAL REGULATIONS.

A. Any sign placed on land or on a building for the purposes of identification or protection of the same or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to such land, building, or use.

B. All signs erected for directional purposes shall be confined to those that are of general public interest and such signs shall be limited to the giving of information.

C. All signs, referred to as off-site signs, are deemed by this chapter to constitute a separate use, and shall be regulated as such. Any widespread display of off-site signs is deemed to be inappropriate to the character and sound development of the Village and it is intended by this chapter that the streets and highways in the

Village shall not be made available for such display, but that off-site signs shall be confined to locations in types of districts in which it is deemed not to be incongruous with other uses permitted therein.

D. No sign requiring a permit shall be erected, re-erected, constructed, altered, or maintained until after a permit for the same has been issued by the designated Village official subject to Section 7-1-4 of this title, and the payment of a fee pursuant to a fee schedule adopted by the Village Board has been made.

E. On-site illuminated signs shall be allowed in all commercial zones, all others would be considered special use. Illuminated signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent districts or into the public right-of-way. Off-site signs of any type shall not be illuminated. Flashing signs and signs of a temporary nature shall not be illuminated. Flashing signs and neon signs are not allowed.

F. Signs located near federal aid primary roads and any highway that is part of the national system of interstate and defense highways shall be subject to the rules and regulations of the state department of transportation.

G. All signs not specifically permitted by the provisions of this chapter shall be deemed to be prohibited.

H. Provisions of this chapter shall not apply to the following signs:

1. Official traffic, fire, and police signs, signals, and devices of the state, county, or Village.

2. Official signs and notices erected and maintained by public officers or agencies for the purpose of carrying out an official duty or responsibility.

3. Signs permitted by law within the highway right-of-way.

4. Historic markers not greater than 12 square feet in area and conforming to the setback requirements of this chapter.

5. Signs erected inside a building.

6. Manufacturer's labels on farm structures and buildings standard to the assembly of the product.

7. Signs on private property not subject to view from other properties or from public property.

8. Wall murals or works of art approved by the Village Board.

I. The following signs and advertising devices are hereby prohibited:

1. Any sign erected in or protruding into the public right-of-way.

2. Animated signs. Any sign or advertising device such as pinwheels, streamers, wind operated devices, or fluttering signs.

3. Any sign attached to a utility pole, fire hydrant, curb, public sidewalk, or other surface located on public property.

4. Signs painted or posted directly upon the surface of any rocks, trees, or other natural features.

5. Any sign erected in any location where by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device. No sign shall be erected in the sight triangle, as defined in Section 7-5-12 of this chapter, or any other location where it will obstruct the vision of the public right-of-way to a vehicle operator during ingress or egress from public roadways.

6. Flashing signs, including electronic message centers, but not including digital time and temperature signs involving only that information and no further or additional information of any advertising nature.

7. Signs containing characters, cartoons, statements, works of art or pictures of an obscene, indecent, pornographic, or immoral character.

8. Signs with content tending to promote or cause a riot, or breach of the peace, or any advertisement of any unlawful gathering or advertisements of unlawful sales.

J. Any exceptions to the provisions of this chapter shall be submitted to the zoning board of appeals for review and submission to the Village Board.

(Ord. 587, 4-14-2003)

7-5-3. SIGN MOUNTING REQUIREMENTS.

All signs shall be mounted in one of the following ways:

A. Flat against a building or wall.

B. Back to back so that the back of the sign shall be screened from public view.

C. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained in a color that blends with the surrounding environment.

D. With the exception of signs identifying a business, no sign shall be painted or posted directly upon the surface of any building or structure. No sign shall be painted or posted directly upon the surface of any rocks, trees, or other natural features.

E. The gross sign area shall be the area within the single continuous line enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. It does not include any structural or framing elements lying outside of such sign surface and not forming any integral part of the display. All faces of a sign that bear media elements shall be used in computing total gross area.

(Ord. 587, 4-14-2003)

7-5-4. SETBACK REQUIREMENTS.

A. Generally. Unless otherwise specified, all signs shall be set back ten feet from the right-of-way or front property line and five feet from the side property lines.

B. Signs Not Requiring Permit or Setback. Unless otherwise specified, all signs of three square feet or less of total signage, shall not require permits and shall have no setback requirements. Such signs shall not be located within the public right-of-way.

C. Visible Obstructions. All signs within 250 feet of the centerline of a driveway or intersection shall have no visible obstruction between three feet from the ground and ten feet from the ground. The area between three feet and ten feet shall remain open.

D. Sign Height and Projections.

1. Residential uses. No sign shall project higher than one story or 15 feet above the curb level, whichever is lower.

2. Nonresidential uses. No sign when attached to the wall of a building or structure shall project more than 18 inches from the wall to which it is attached. No sign shall project higher than one story or 20 feet above the curb level, whichever is lower.

3. Business signs shall not project higher than 35 feet above median grade level.

(Ord. 587, 4-14-2003)

7-5-5. REQUIREMENTS.

A. Signs Not Requiring a Permit. The following signs shall be permitted without permits under specified conditions:

1. Nameplates and identification signs not exceeding two square feet in area for each dwelling unit. Content shall be limited to the occupant's name and address and to the occupant's business when housing an approved home occupation.

2. Identification signs for churches, schools, service clubs, and other permitted institutions and organizations shall be allowed a maximum of 32 square feet per side, not to exceed a total of 64 square feet.

3. Signs for garage sales, crop identification or the sale, rental or lease of land, lots, houses or livestock shall be permitted on the premises of the item being offered. Such a sign shall not exceed six square feet. Only one such sign is permitted on each zoning lot, with the exception of crop identification signs.

4. Signs accessory to parking area entrances or exits are limited to one sign per entrance or exit and shall not exceed two square feet in area. Such signs shall not project beyond the property line nor shall they project more than seven feet above street level. A parking area may also include one sign limited to nine square feet which designates conditions for the use of the parking area.

5. Directional signs for public places owned or operated by federal, state, or local governments or agencies; publicly or privately owned natural, historic, cultural, scientific, educational or religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be of general public interest. Content of such signs shall be limited to identification of the activity or attraction and directional information such as location and distance. They shall be allowed a maximum of 32 square feet per side, not to exceed a total of 64 square feet.

6. Official signs and notices erected and maintained by public officers or agencies within their territorial jurisdiction for the purpose of carrying out an official duty or responsibility.

7. Signs permitted by law within the highway right-of-way.

B. Signs Requiring Permits. A permit is required for the following signs:

1. Accessory to Roadside Stands. Signs accessory to roadside stands shall be permitted on lots with roadside stands for the purpose of identifying the stand and the products for sale. There shall not be more than one such sign on each side of the stand. No such sign shall project more than 15 feet above the ground.

2. Residential Development or Construction Signs. Residential development or construction signs may be allowed a maximum of 32 square feet per side, not to exceed a total of 64 square feet and shall be set back ten feet from the front property lines. Such signs shall be removed when either development or construction is completed.

3. Subdivision Identification Signs, On-Site. Each subdivision may be allowed a total of 96 square feet of identification signage. Each individual identification sign shall not exceed 48 square feet per side. Such signs shall be located only at intersections with state, county, or township roads, shall be set back at least ten feet from all property lines, and shall not be located within the sight triangle, as defined in this chapter.

4. Off-Site Directional Signs. Off-site directional signs for seasonal or agricultural businesses and tourist attractions, such as farm markets, orchards, greenhouses, antique shops, bed and breakfasts and recreational enterprises; such signs may be allowed in agricultural districts. Each business or attraction may be allowed a total of four faces, each having a maximum dimension of two feet by four feet. The

content of each sign shall be limited to the name of the business or attraction, direction and distance. All signs shall be wooden structures that are horizontally oriented. No more than two signs for the same business or attraction shall be allowed on the same route. Each off-site directional sign shall be no closer than 500 feet to another off-site sign on the same side of the road on the same route.

(Ord. 587, 4-14-2003)

7-5-6. OFF-SITE SIGNS.

A. With the exception of subsections 7-5-5A5 and B4 of this chapter, off-site signs shall be allowed in only the business and industrial districts.

B. Off-site signs shall be set back ten feet from all property lines.

C. No off-site sign, when viewed from a public park of ten or more acres, shall be erected or relocated within 300 feet of such park.

D. No off-site sign shall be permitted within 75 feet of any residential district boundary.

E. The maximum square footage of all off-site signs shall not exceed 32 square feet per side, not to exceed a maximum of 64 square feet.

F. No off-site sign shall be higher than the height of the principal building on which it is located nor higher than 30 feet, whichever is less.

G. The informational content of an off-site sign shall be placed on one device only, and not continued to two or more.

H. Only one off-site sign, with the written permission of the property owner, per zoning lot is permitted.

(Ord. 587, 4-14-2003)

7-5-7. PERMITS.

A. Application for a sign permit shall be made in writing upon forms furnished by a designated Village official. Such application shall contain the location of the proposed sign as well as the name and address of the owner of the property and the sign contractor or erector. The Village official may require the filing of plans or other pertinent information such as the method of construction, the method of installation or support, etc.

B. Before a permit is issued, the applicant shall submit a copy of the contract showing his right to maintain the device on the property for a length of time not to exceed that approved by the Village Board.

C. All new sign faces are considered new signs and require a permit.

(Ord. 587, 4-14-2003)

7-5-8. TEMPORARY SIGNS.

Temporary signs not exceeding 32 square feet in area indicating an event of public interest such as a state or county fair, public or general election, horse show or other signs of a civic, political or religious event may be erected, hung, placed or painted upon securing a permit at no cost from the Village officers, provided that such signs shall not interfere with the full view of traffic in all directions. **No signs are allowed to be placed in the Village right-of-way.** Such signs shall be placed no sooner than 60 days prior to the event and shall be removed not more than ten days after the event.

(Ord. 587, 4-14-2003)

7-5-9. REMOVAL OF SIGNS.

A. Notice. The designated Village official may order the removal of any sign erected or maintained in violation of this chapter. The official shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that if the sign is not removed or the violation corrected within 15 days, the sign shall be removed by the Village. Such notice may be mailed by certified mail, or hand delivered, with a return receipt required in either case. Any time period provided in this section shall commence on the date of receipt of the notice, as attested by the date of the return receipt. All costs incurred by the Village in removing such a sign shall be paid by the sign owner.

B. Signs Not Requiring a Permit. Garage sale signs, real-estate signs, political and public issue signs, and any other signs not requiring a permit, erected in a public right-of-way, in violation of this chapter shall be considered public property and shall be summarily removed and disposed of. Such signs erected or maintained on private property in violation of this chapter shall be subject to a three day notice to remove, under the procedure described in subsection A of this section.

C. Emergency. The designated Village official or his agents may remove a sign immediately and without notice when, in the opinion of the official, the condition of the sign or structure is defective or dangerous or the placement of the sign is dangerous so as to present an immediate threat to the safety of the public. Any sign removed shall be at the expense of the owner of the sign or owner of the property, and shall become the property of the Village, and may be disposed of in any manner deemed appropriate and authorized by state statute.

D. Abandoned Signs. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within ten days from the date on which it is determined to be an abandoned sign. If the owner or lessee fails to remove the sign, the designated Village official shall proceed as set forth in subsection A of this section. Failure to remove the sign after service of the written notice as described in subsection A of this section shall be just cause for the designated Village official to act as provided in subsection C of this section.

(Ord. 587, 4-14-2003)

7-5-10. NONCONFORMING SIGNS.

A. Any sign that is legally nonconforming as to type, location, size, setback or for any other reason (except those signs that are related to and located on the same premises as a separate legal nonconforming use recognized under this chapter) shall be brought into compliance with this chapter when either a new face is to be introduced or a new structure is to be constructed.

B. All other nonconforming signs shall be brought into compliance with this chapter within 90 days from the date of approval hereof.

(Ord. 587, 4-14-2003)

7-5-11. PERMIT FEE.

A sign permit fee shall be charged in accordance with the fee schedule adopted by the Village Board.

(Ord. 587, 4-14-2003)

7-5-12. SIGHT TRIANGLE.

That area that lies adjacent to two intersecting streets, is unused and is reserved for adequate sight distance. To determine the sight triangle, the two sides shall measure 25 feet in each direction from the intersection of the street right-of-way lines.

(Ord. 587, 4-14-2003)

7-5-13. OUTDOOR ADVERTISERS.

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

Outdoor advertisers. Any person engaged in the business of placing, posting or painting any sign, advertisement, notice or display on or in any place for the purpose of outdoor advertising so that the resultant display is visible from any street, alley, sidewalk, or other public place.

B. License Required. It shall be unlawful for any outdoor advertiser to do business in the Village without having first secured a license therefor as is required in this chapter; however, no license shall be construed to permit the use of any structures, natural or artificial, that are located in any public street, alley or other public place.

C. Applications. Applications for licenses required by this section shall be made in writing to the Village Clerk and shall be accompanied by a list of all places, including billboards, or natural structures, on which it is intended to place signs or advertisements. This list shall be updated from time to time by the licensee as a right to post or place advertisements or signs on additional places as required.

D. License Fee. The annual fee for a license required by this section shall be $240.00.

E. When Fee Due; Late Payment Penalty:

1. A fee for a license to be issued under this section shall be due and payable annually in advance on May 1 of each year, and the license shall be for one fiscal year of 12 months commencing on that date.

2. A license issued after June 1 of each year shall be subject to a penalty to be paid by the applicant as follows:

a. A penalty for each license issued after June 1 is hereby imposed at a rate of ten percent of the annual license fee for each month until such fee is paid.

b. Should an applicant commence the business or the activity which requires the license subsequent to June 1, then the penalty herein shall apply commencing the first day of the month following the month in which the business or activity began.

F. Use of Poster Panels. No person shall post or maintain any advertisement or sign that does not fully comply with the ordinances of the Village.

G. Consent of Owner Required. It shall be unlawful to post any advertisements on any premises in the Village without the consent of the owner of such premises. Such consents shall be in writing and must be filed with the Village Clerk.

H. Refuse from Work to be Cleared.

1. It shall be unlawful for any person engaged in outdoor advertising to permit any refuse resulting from this work to accumulate anywhere in the Village except by placing it in properly established refuse receptacles. All refuse resulting from the operation of this business must be carefully gathered up and properly disposed of.

2. It shall be unlawful to permit any loose or flapping or combustible materials to hang from or be attached to any billboard or signboard or other place used for display for advertising purposes.

I. Weeds and Materials at Base of Billboards. It shall be the duty of every outdoor advertiser to keep all grass, weeds and other growths, except trees and ornamental shrubbery, cut down so that the same shall not grow to a height greater than ten inches within six feet of any billboard or signboard used by the outdoor advertiser, provided that this obligation shall extend only to the property controlled by the advertiser.

J. Unlawful Advertisements. It shall be unlawful for any person to post or display any advertisement tending to promote or cause a riot, or breach of the peace, or any advertisement of any unlawful gathering, or advertisement of unlawful sales.

K. Advertiser's Name. It shall be unlawful for any outdoor advertiser to carry on business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by the outdoor advertiser, or any notices, placards, or advertisements posted by the outdoor advertiser, in such lettering as to be visible from a distance of at least five feet from the notice or advertisement.

L. Exemptions. The provisions in this section concerning outdoor advertising shall not be construed to apply to the posting of signs or notices by order of any court or by any public officials in the performance of their duties.

~~M. Penalty. Whoever violates any provision of this section for which no penalty is otherwise provided, shall be subject to punishment as provided in Section 7-5-15 of this chapter.~~

(Ord. 587, 4-14-2003)

7-5-14. MOBILE OR PORTABLE SIGNS.

"Mobile or portable signs" are considered to be any sign that can be moved from one place to another including, but not limited to, banners, trailer mounted signs, or signs mounted on frames or posts of a nonpermanent nature. All mobile and portable signs require a permit and are subject to the following regulations:

A. Mobile and portable signs promoting special community activities, special events or activities of nonprofit organizations are permitted upon securing a permit at no cost from the Village officers. These activities may include an annual or semiannual special, unique or limited activity or service; a sign announcing an annual or semiannual campaign, drive or event of a civic, philanthropic, educational, nonprofit or religious organization; indoor and outdoor art, craft and plant shows; Christmas tree sales; carnivals, cruises, fairs, rodeos and parades; and grand openings/new ownership.

B. Banners or similar types of signs used for commercial advertising are considered temporary signs and may be erected, hung, or placed upon securing a permit from the Village after the payment of a fee pursuant to a fee schedule adopted by the Village Board has been made.

C. Unless otherwise permitted in this chapter, no mobile sign shall be permitted to stand at any address which is zoned residential, or on which zoning ordinances prohibit the placement of advertising signs.

D. All mobile signs shall be set back from all property lines a distance of at least five feet, and shall not be located closer than one foot to any sidewalk.

E. No mobile sign shall be permitted with lights which flash, blink, or vary in intensity. No mobile sign shall be permitted with red, yellow, amber, or green lights.

F. All mobile and portable signs must be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety as determined by the zoning inspector.

G. Mobile or portable signs may not be used for more than a total of 60 calendar days during any one year period by any business or organization.

H. An interval of 30 days is required between the use of portable or mobile signs for all businesses or organizations.

I. Banners or similar types of signs may not be used for more than a total of 60 calendar days during any one year period by any business or organization.

J. An interval of 30 days is required between the use of banners or similar signs for all businesses or organizations.

(Ord. 587, 4-14-2003)

~~7-5-15. PENALTIES.~~

~~Violation of the provisions of this chapter or failure to comply with any of its provisions shall constitute a petty offense with a fine up to $500.00. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500.00 and costs. Each day such violation continues shall be a separate offense.~~

~~(Ord. 587, 4-14-2003)~~

Cross reference(s)—subsection 7-1-5B, Permit Fees.

CHAPTER 6. MECHANICAL CODE

7-6-1. ADOPTION.

The **2021** ~~2015~~ edition of the International Mechanical Code, including appendix chapters, as published by the International Code Council is hereby adopted in its entirety as the mechanical code of the Village of Poplar Grove, Illinois, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems 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 mechanical code are hereby referred to, adopted, and made a part hereof as if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the Mechanical Code, including appendix chapters, is on file with the Clerk of the Village.

(Ord. 767, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-6-2. AMENDMENTS.

The**2021** ~~2015~~ Mechanical Code is amended to reflect the following:

• Amend Section 309,1 to read as follows:

"309.1 Space heating systems Interior spaces intended for human occupancy shall be provided with active heating systems capable of maintaining a minimum indoor temperature of 68 degrees F (20 degrees Q at a point 3 feet C914 mm) above floor on the design heating day. The installation of portable space heaters shall not be used to achieve compliance with this section-Exception. Interior spaces where the primary purpose is not associated with human comfort."

• Amend Section 508.1 to read as follows:

"508.1 Makeup Air. Makeup air shall be supplied during the operation of commercial kitchen exhaust systems that are provided for commercial cooking appliances. The amount of makeup air supplied to the building from all sources shall be approximately equal to the amount of exhaust air for all exhaust systems for the building. The makeup air shall not reduce the effectiveness of the exhaust system. Makeup air shall be provided mechanical means. Mechanical makeup air systems shall be automatically controlled to start and operate simultaneously with the exhaust system. Makeup air intake opening locations shall comply with section 4011.4."

• Amend Section 603.6.1.1 to read as follows:

"603.6.1.1 Duct Length. Flexible air ducts shall be limited in length to 8 feet overall from termination point and contain no more than the equivalent of one 90 degree turn with no offset greater than 45 degrees. All flexible air ducts shall be of the insulated type. Flexible ducts shall only be used for branches."

• Amend Section 603.6.2.1 to read as follows:

"603.6.2.1 Connector length. Flexible air connectors shall be limited in length to 8 feet overall from termination point and no more than the equivalent of one 90 degree turn with no offset greater than 45 degrees. All flexible connectors shall be of the insulated type. Flexible ducts shall only be used for branches."

• Add new Section 801.2.2 to the Mechanical Code to read as follows:

"801.2.2 Fuel burning appliances. PVC vent piping for a fuel burning appliance that is located in a concealed space shall be marked/labeled "every 36 inches so as to distinguish it from plumbing or other piping."

• Add new Section 918.7 to the Mechanical Code to read as follows:

"918.7 Furnace cement or welding. The use of furnace cement or welding for the repair of furnace heat exchangers is prohibited."

• Add new Section 929.1 to the Mechanical Code to read as follows:

"929.1 Unvented room heaters. Unvented room heaters and/or fireplaces are prohibited."

• Add new Section 1002.1.1 to the Mechanical Code to read as follows:

" 1002.1.1 Installation. Water heaters greater than 5 gallons shall not be elevated more than 18" above finished floor (AFF). When elevated, the appliance shall be secured in an approved manner."

• The following appendices shall be adopted as part of this code:

Appendix A Chimney Connector Pass-Throughs.

(Ord. 571, 7-8-2002; Amd. Ord. 2018-06, 6-28-2018)

CHAPTER 7. FUEL GAS CODE

7-7-1. ADOPTION.

The **2021** ~~2015~~ edition of the International Fuel Gas Code, including appendix chapters, as published by the International Code Council is hereby adopted in its entirety as the fuel gas code of the Village of Poplar Grove, Illinois, regulating and governing fuel gas systems and gas fired appliances 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 fuel gas code are hereby referred to, adopted, and made a part hereof as if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the Fuel Gas Code, including appendix chapters, is on file with the Clerk of the Village.

(Ord. 764, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-7-2. AMENDMENTS.

The **2021** ~~2015~~ Fuel Gas Code is amended to reflect the following:

• Amend Section 402.6 of the fuel gas code to read as follows:

"402.6 Maximum design operating pressure. The maximum design operating pressure for piping systems of 1 pound per square inch (psig) (34kPa gauge) or greater shall be welded."

• Amend Section 403.10.4 (1) of the fuel gas code to read as follows:

"403.10.4 (11 Metallic fittings. Threaded fittings in sizes larger than 2 inches shall not be used."

• Add new Section 404.2.1 to the fuel gas code to read as follows:

"404.2.1 Prohibited use. Corrugated stainless steel (CSST) shall not be used underground."

• Add new Section 404.3.1 to the fuel gas code to read as follows:

"404.3.1 Prohibited use underground. Corrugated stainless steel tubing (CSST) shall not be used underground."

• Add new Section 404.9.1 to the fuel gas code to read as follows:

"404.9.1 Roof locations. Gas piping installed on roof surfaces shall be painted yellow. Paint and application method shall be approved by the code official."

• Add new Section 404.13.1 to the fuel gas code to read as follows:

"404.13.1 Separation. Exterior gas piping and electric lines underground shall be horizontally separated a minimum of 12 inches (304 mm)."

• Add new Section 409.4.1 to the fuel gas code to read as follows:

"409.4.1 Service Valves. Service valves installed within 24 inches (61 cm) of the regulator, shall have no more than three screwed connections."

• Amend Section 503.5.5 (4) of the fuel gas code to read as follows:

"503.5.5.4. For sizing a chimney venting system connected to appliances using mechanical draft, the effective area of the chimney flue shall not be greater than two sizes over the effective area required for the appliances."

• The following appendices shall be adopted as part of this code:

Appendix A Sizing and Capacities of Gas Piping

Appendix B Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods. Category 1 Appliances and Appliances Listed for Use with Type B Vents (IFGS)

Appendix C Exit Terminals of Mechanical Draft and Direct Vent Venting Systems (IFGS)

Appendix D Recommended Procedure for Safety Inspection of an Existing Appliance Installation.

(Ord. 571, 7-8-2002; Amd. Ord. 2018-06, 6-28-2018)

CHAPTER 8. WIRELESS COMMUNICATION FACILITIES

7-8-1. STATEMENT OF PURPOSE AND INTENT.

The purpose of this chapter is to provide standards and criteria for the placement, construction and maintenance of wireless communication facilities in the Village of Poplar Grove. The intent of this chapter is to:

A. Strike a balance between the interests of the wireless communication service providers, the consumers of those services and the Village of Poplar Grove.

B. Restrict the location of towers to nonresidential areas and minimize the total number of towers throughout the Village.

C. Protect residential areas and land uses from potential adverse impact of towers and antennas.

D. Encourage colocation of new antennas on existing towers.

E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

F. Encourage users of towers and antennas to configure them in a way that minimizes their adverse visual impact by careful design, siting, landscaping, screening and camouflaging techniques.

G. Protect property values and the public health, safety and welfare.

H. Avoid potential damage to adjacent properties from tower failure through careful engineering and siting of tower structures.

I. Enable wireless communication service providers to provide their services to the community in a prompt, effective and efficient manner.

J. Create clear and objective approval criteria.

K. Ensure that all wireless communication providers are given an equal opportunity to compete in the local market.

(Ord. 621, 1-10-2005)

7-8-2. DEFINITIONS.

When used in this chapter, the following words and phrases shall have the meanings indicated:

Alternative tower structure. An existing manmade structure, which is used as an alternative to a tower and to which an antenna and/or an antenna support structure is attached.

Antenna. An outdoor apparatus designed to send or receive wireless communications.

Antenna support structure. A structure which is attached to an alternative tower structure and which is designed to support an antenna at a height sufficient to permit effective receipt or transmission of wireless communications.

Colocation. The location of the antennas of more than one commercial wireless communication service provider on a single tower or alternative tower structure.

Equipment facility. A building, cabinet, or other enclosure used to house and protect the electronic equipment necessary for processing wireless communications at a wireless communications facility.

FAA. Federal aviation administration.

FCC. Federal Communications Commission.

Governing authority. The Village of Poplar Grove.

Height. The distance from the ground at the base of the tower or alternative tower structure to the highest point on the tower or alternative support structure or any fixture attached thereto, whichever is highest.

Operator. A person, corporation, partnership, association, or other organization which:

A. Provides wireless communication services, either directly or through one or more agents, employees, subsidiaries or affiliates; or

B. Controls or is responsible for the management and operation of a wireless communications facility.

Points of visual interest. Views of waterways, open spaces, historic buildings, architecturally significant structures or other scenic views.

Preexisting towers and antennas. Any tower or antenna for which a building permit or special use permit had been properly issued prior to the effective date of this chapter.

Tower. A freestanding, self-supporting structure, which rests upon or is embedded into the ground and that is designed and constructed primarily for the purpose of supporting wireless communication antennas. "Tower" does not include structures supported by anchored guy wires.

Tower site. The parcel of land where a tower and associated wireless communication structures, fixtures and equipment are located.

Wireless communications facility. All of the wireless communication devices located at a single wireless communication site.

Wireless communications service. The provision of wireless communication services for a consideration. Wireless communication services include, but are not limited to, cellular communications service (CCS), personal communication service (PCS), specialized mobile radio service (SMR), enhanced specialized mobile radio (ESMR), paging services and other similar wireless communication services. Wireless communication service does not include wireless over the air broadcasts to the public at large, ham or citizen band radio broadcasts.

(Ord. 621, 1-10-2005)

7-8-3. APPLICABILITY OF REGULATIONS.

A. Facilities Regulated by this Chapter. Except as provided in subsection B1 of this section, the regulations contained in this chapter shall apply to all wireless communication facilities in the Village of Poplar Grove.

B. Facilities Exempt From Other Provisions of this Chapter:

1. List of Exempt Facilities. The following wireless communication facilities are exempt from the provisions of this chapter, except the regulations contained in subsection B2 of this section.

a. A ground or building mounted receive-only radio or television antenna which does not exceed 25 feet in height and which is used solely by the occupants of a dwelling located in a residential zoning district.

b. A ground or building mounted receive-only radio or television satellite which does not exceed 36 inches in diameter; which does not project beyond the roofline and which is used solely by the occupants of a residence in a residential zoning district.

c. A citizens band radio tower and antenna which does not exceed 35 feet in height.

d. A ham radio tower and antenna which does not exceed 75 feet in height.

e. Microwave dishes for private home use.

f. Governmentally owned and operated receive and/or transmit telemetry station antenna for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater, pump stations and/or irrigation systems, with heights not exceeding 35 feet.

g. Towers, equipment facilities and antennas that existed prior to the effective date of this chapter.

2. Regulation of Exempt Facilities. Notwithstanding subsection B1 of this section, exempt facilities shall be subject to the following rules and regulations:

a. In residential districts there shall be no more than one antenna support structure per tax parcel, except that more than one antenna support structure may be used by a licensed ham radio operator.

b. Towers shall be designed to prevent children and trespassers from climbing on those structures. Ladder rungs shall be at least 20 feet above the ground immediately below.

c. Towers and antennas constructed and maintained in the Village of Poplar Grove shall comply with all other applicable local, state and federal laws.

d. Preexisting towers and equipment facilities shall not be exempt from the licensing requirements of this chapter.

(Ord. 621, 1-10-2005)

7-8-4. BUILDING PERMITS.

A. Building Permit Required. No person shall construct, install, alter or repair any tower or equipment facility in the Village of Poplar Grove without first obtaining a building permit required by this code.

B. Electrical Permit Required. No person shall construct, install or alter any equipment facility without first obtaining an electrical permit required by this code.

C. Conditions Precedent to Issuance of the Building Permit:

1. Compliance with Zoning Regulations. No building permit shall be issued for a tower, antenna support structure, or equipment facility unless such tower, antenna support structure, or equipment facility is permitted by the zoning code or unless a special use permit is issued pursuant to that code.

2. General Requirements. No building permit shall be issued to the applicant until each of the following requirements has been met:

a. Plans, Specifications and Statements. The applicant for a permit to construct a new tower or equipment facility shall provide the following to the Building Inspector:

(1) Illinois professional engineer stamped plans and specifications for construction of the tower.

(2) A written statement by an electrical engineer licensed to practice in the state of Illinois that the reception and transmission functions of the proposed tower, antenna or equipment facility will not interfere with the usual and customary transmission and reception of radio, television or other services on adjacent properties.

(3) A copy of the FAA determination, the FCC license and the state of Illinois building plan approval as needed indicating that the proposed tower, antenna or equipment facility complies with rules administered by those agencies.

(4) For towers, a written statement from the applicant's engineer licensed in the state of Illinois indicating:

(A) The types of antennas that may be accommodated by the tower; and

(B) The tower's capacity for such antennas; and

(C) The failure characteristics of the tower at 80 miles per hour; and

(D) The adequacy of its setback in the event of failure.

b. Site and Landscape Plans. The applicant shall provide the designated Village official with site plans and landscape plans drawn to a scale of one inch equals 20 feet (1" = 20'). Those plans should specify the location of any tower, building, parking, landscaping, or fencing.

(Ord. 621, 1-10-2005)

7-8-5. OTHER REQUIREMENTS.

A. Height.

1. Towers. No tower shall exceed 180 feet in height.

2. Antenna Support Structures. No antenna support structure, including any antenna or other device attached thereto, shall extend more than 20 feet above the highest point of the building or structure to which the antenna support structure is attached.

B. Advertising Signs Prohibited. No person shall place any advertising sign on any tower, antenna support structure or antenna. Nor shall anyone place any flag, decorative sign, streamer, pennant, ribbon, spinner or other moving object on a tower, antenna support structure or antenna.

C. Lighting. Except as hereinafter provided, no tower, antenna support structure or antenna shall be artificially illuminated. This subsection does not prohibit the use of motion detectors and associated lighting nor the use of outdoor lights when the wireless communication provider's personnel are present. This subsection is not intended to prohibit any lighting required by any local, state or federal law, rule or regulation. If lighting is required by such law, rule or regulation, the operator and owner shall choose the lighting which causes the least disturbance to the occupants of adjacent properties. Any tower which exceeds 99 feet in height shall be equipped with at least one blinking red light located at the highest point on the tower or on top of any fixture attached thereto, whichever is higher and also must meet FAA requirements.

D. Traffic. Traffic that is associated with the wireless communication facility shall not adversely affect abutting streets or neighboring properties.

E. Points of Visual Interest. No wireless communication facility shall be located so as to obstruct the view of a point of visual interest from a residence within 300 feet of the wireless communication facility.

F. Tower Separation. No new tower shall be constructed within 2,000 feet of an existing tower unless a special use permit is granted. The distance shall be measured in a straight line between the base of the existing tower and the proposed location for the base of the new tower.

G. Tower Color. The tower shall have a galvanized steel finish or shall be painted in a neutral color so as to reduce visual obtrusiveness or to camouflage the tower. Antennas and antenna support structures shall be of a neutral color which is identical to, or closely compatible with, the color of the tower or alternative support structure.

H. Ladders. Towers shall be designed to prevent children and trespassers from climbing on those structures. Ladder rungs on towers shall not be placed within 20 feet of the ground.

I. Fencing. A wireless communications facility shall be enclosed by a security fence not less than six feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area as determined by the designated Village official.

J. Landscaping. A buffer of plant materials to effectively screen the site from public view and from adjacent properties shall be provided.

1. The minimum buffer shall consist of a landscaped strip at least five feet in width outside the perimeter of the wireless communications facility.

2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

3. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

4. All landscaping requirements detailed herein shall be properly maintained for as long as the tower exists.

K. Buildings, Enclosures and Other Associated Devices:

1. Location. All buildings, enclosures, equipment and other associated devices shall be placed in close proximity to the base of the tower located on the wireless communications site. If the wireless communications facility does not have a tower, the buildings, equipment and other associated devices shall be placed in close proximity to the alternative tower structure. If the wireless communication facility has a roof mounted antenna support structure, an equipment enclosure may be located on the roof provided that such enclosure is placed as unobtrusively as possible and in compliance with all applicable building and zoning rules and regulations.

2. Security. All buildings and equipment enclosures shall have a 24 hour security monitoring system and be kept locked at all times. Each building and enclosure shall have a label attached to it. The label shall give the name, address and telephone number of the person who should be contacted in the event of an emergency.

(Ord. 621, 1-10-2005)

7-8-6. ANNUAL LICENSE.

A. Facilities to be Licensed. The owner or operator of a wireless communication facility shall obtain an annual license for the operation of each wireless communication facility located in the Village of Poplar Grove.

B. Application for License:

1. Form and Contents. The owner or operator of a wireless communication facility shall complete an application for a license on a form prescribed by the designated Village official. The application form shall be signed by the owner or operator of the wireless communication facility and by the owner of the property on which that facility is located. The application form shall be submitted to the designated Village official together with a receipt for payment of the applicable license fee. The applicant shall pay the license fee to the Village of Poplar Grove.

2. Issuance of a License. Upon receipt of a fully completed application and proof of payment of the license fee, the Village Clerk or designated Village official shall issue a license to the owner or operator of the wireless communication facility.

3. License. The license shall be issued annually for the period beginning January 1 and ending December 31. The owner or operator of a new wireless communications facility shall not be required to obtain a

license until January 1 of the calendar year immediately following the calendar year in which the wireless communications facility first became operational.

4. License Fee. The annual license fee shall be $500.00.

5. Annual Inspection. The Village shall inspect each licensed wireless communication facility on an annual basis.

6. Orders to Correct Violations:

   a. If the designated Village official, or his designee, determines that a violation of this chapter exists, the designated Village official, or his designee, shall issue an order requiring that each violation be corrected within a specified time. The compliance time shall not be more than 30 days, depending upon the nature of the violation and the hazard involved.

   b. A written order to correct a violation of this chapter shall remain in effect for 24 months from the date of issuance. A subsequent violation of an order or continued failure to correct the violation identified in the order may result in the issuance of a municipal citation to the owner or operator of the wireless communication facility. A municipal citation issued under this subsection must meet all of the following criteria:

      (1) The violation alleged in the citation must be specifically enumerated in the order; and

      (2) The violation alleged in the citation must occur within 24 months after the date the order was issued; and

      (3) The person named as defendant in the municipal citation was named in the order and served with the order to correct the violation; and

      (4) The order was issued in accordance with subsection B7 of this section; and

      (5) The order was not reversed, voided or overruled by the municipal court or any other court of law.

7. Contents of Order and Service of Order:

   a. Contents of Order. Whenever the designated Village official, or his designee, determines that there are reasonable grounds to believe that a violation of any provision of this chapter exists, he shall order the owner or operator of the wireless communication facility to correct the violation. The order shall be in writing and shall:

      (1) Include a description of the real estate sufficient for identification.

      (2) Specify the violation which exists and the remedial action required.

      (3) Allow reasonable time for the performance of any act it requires.

   b. Service of Orders. An order to correct a violation of this chapter shall be served upon the owner or operator of the wireless communication facility at the address given by the owner or operator in the license application. Service shall be made by certified or registered mail, return receipt requested. Service shall be complete upon mailing.

8. Extension of Time to Comply with Orders. The owner or operator served with an order to correct a violation may, prior to the compliance time specified in the order, request an extension of the compliance time. If the owner or operator who was served with the order to correct the violation demonstrates that he is making diligent effort to comply with the order, the designated Village official, or his designee, may extend the time for compliance for not more than 90 days.

9. Suspension, Revocation, Refusal to Issue or Renew License. The Village Clerk or designated Village official shall refuse to issue or to renew a license issued pursuant to this section upon the grounds

specified in this code. The designated Village official or his designee, may commence a proceeding to suspend or revoke any license issued pursuant to this section. The proceedings shall be commenced by the filing of a sworn written complaint with the Village Clerk alleging each of the following:

a. The owner or operator of the wireless communication facility committed two or more violations of the provisions of this chapter within 12 months.

b. Orders were issued to the owner or operator to correct the violations.

c. The owner or operator failed to comply with each order.

d. The owner or operator was convicted of both violations in municipal court or other court of competent jurisdiction.

e. One or more of the violations continues to exist. Upon the filing of the complaint, the Village Board shall issue an order directing the licensee to appear before the Village Board on a day, time and place named in the order. The order shall inform the owner or operator to show cause why his or her license should not be suspended or revoked. A copy of the order shall be served upon the owner or operator at least three days before the time at which the owner or operator is commanded to appear. Service shall be made by registered or certified mail, return receipt requested. The order shall be addressed to the owner or operator at the address stated in the license application. Service shall be complete upon mailing.

If the owner or operator does not appear as required by the order, the allegations of the complaint shall be taken as true and, if the Village Board finds the allegations sufficient, the license shall be suspended not less than ten days nor more than 90 days or revoked for a period of one year. If the licensee appears as required by the order and denies the complaint, the board shall set a date and time for hearing. Both the complainant and the respondent shall be entitled to produce witnesses, cross examine witnesses and be represented by counsel. If a hearing is held before the Village Board and the complaint is found to be true, the license shall either be suspended for not less than ten days nor more than 90 days or revoked. If the Village Board finds that the complaint is untrue, the proceedings shall be dismissed.

10. Appeal. Any person aggrieved by the Village Clerk's or designated Village official's decision to refuse to issue or renew a license may appeal that decision to the Village Board. Any decision of the Village Board may be appealed by writ of certiorari to the circuit court for Boone County.

(Ord. 621, 1-10-2005)

7-8-7. MAINTENANCE AND OPERATIONAL REQUIREMENTS.

A. General Requirements. The wireless communication facility shall be maintained in accordance with all applicable local, state and federal regulations. If the Building Inspector or designated Village official concludes that a tower or any other part of a wireless communication facility fails to comply with such codes and constitutes a danger to persons or property in the vicinity, the Building Inspector or designated Village official shall notify the owner or operator of the wireless communication facility of such fact. The notice shall be in writing and shall require the owner or operator to bring the facility into compliance with such codes within 30 days of the date of service of the notice. If the owner or operator fails to bring the wireless communication facility into compliance within the time provided, the Building Inspector or designated Village official may order the tower or other wireless communications facility removed to the extent necessary to protect persons or property in the vicinity. The cost of removing the tower or other portion of the wireless communication facility shall be at the owner's expense. The owner and operator shall be responsible to maintain the premises upon which the wireless communication facility is located in a clean and sanitary condition.

B. Outdoor Storage Prohibited. No person shall store any vehicles, equipment or other goods on the wireless communications facility except in an enclosed building. This section does not apply to overnight storage of vehicles or equipment necessary for the repair of the wireless communication facility.

(Ord. 621, 1-10-2005)

7-8-8. ABANDONED TOWERS AND ANTENNAS.

A. Evidence of Abandonment. An antenna or tower shall be deemed abandoned if any of the following shall occur:

1. The antenna or tower is not operated for six continuous months.
2. The owner or operator has failed to renew the annual license by March 1 of the license year.
3. The owner or operator has notified the Village of Poplar Grove that it has ceased operations of the antenna or tower.

B. Notification of Abandonment. The owner or operator of a wireless communication facility shall notify the designated Village official whenever an antenna or tower is abandoned or its use discontinued. Such notice shall be given within thirty (30) days of such abandonment or discontinuance.

C. Removal of Abandoned Towers and Antennas. The owner and operator of an abandoned tower or antenna shall remove it from the wireless communications facility within six months after the tower or antenna is abandoned or its use discontinued. If the owner fails to remove the antenna or tower within that time, the Village shall remove the antenna or tower at the owner's and operator's expense. In the event that the cost of removal is not paid, the Village may assess the cost of such removal against the property upon which the wireless communications facility is located.

D. Site Restoration. Whenever a tower is removed from a wireless communications facility, the remainder of the site shall be restored to its preexisting condition and all buildings, equipment and other devices accessory to the tower shall be removed from the site and all concrete shall be removed a minimum of six feet below the finished ground surface.

(Ord. 621, 1-10-2005)

7-8-9. TOWERS SUPPORTED BY GUY WIRES PROHIBITED.

No tower supported in full or in part by guy wires shall be permitted anywhere in the Village of Poplar Grove.

(Ord. 621, 1-10-2005)

7-8-10. LEGAL NONCONFORMING FACILITIES.

Preexisting towers, antenna support structures, antennas or wireless communications facilities which do not conform to the requirements of this chapter, shall be permitted to continue in accordance with the applicable provisions of the Village of Poplar Grove zoning ordinance.

(Ord. 621, 1-10-2005)

~~**7-8-11. ENFORCEMENT; PENALTIES.**~~

~~The provisions of this chapter shall be enforced by the Village of Poplar Grove. Any person who violates any provision of this chapter shall, upon a conviction for a first violation within 12 months, be subject to a penalty of not less than $250.00 nor more than $5,000.00. Any person who commits a second or subsequent violation of any provision of this chapter within 12 months of the Commission of a prior violation of that provision shall, upon conviction of such second or subsequent violation, be subject to a penalty of not less than $5,000.00 nor more than $10,000.00.~~

~~(Ord. 621, 1-10-2005)~~

CHAPTER 8.5. SMALL WIRELESS FACILITIES

7-8.5-1. PURPOSE AND SCOPE.

Purpose. The purpose of this Ordinance is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

Conflicts with Other Ordinances. This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Ordinance, the wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or State laws or regulations.

(Ord. No. 2018-17, § 2, 7-18-2018)

7-8.5-2. DEFINITIONS.

For the purposes of this Ordinance, the following terms shall have the following meanings:

Antenna. Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes. Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant. Any person who submits an application and is a wireless provider.

Application. A request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Collocate or *collocation.* To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service. Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

Communications service provider. A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC. The Federal Communications Commission of the United States.

Fee. A one-time charge.

Historic district or *historic landmark.* A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law. A federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility. A small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Municipal utility pole. A utility pole owned or operated by the Village in public rights-of-way.

Permit. A written authorization required by the Village to perform an action or initiate, continue, or complete a project.

Person. An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public safety agency. The functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate. A recurring charge.

Right-of-way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village -owned aerial lines.

Small wireless facility. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility pole. A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated;

or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider. Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

Wireless provider. A wireless infrastructure provider or a wireless services provider.

Wireless services. Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider. a person who provides wireless services.

Wireless support structure. A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

(Ord. No. 2018-17, § 2, 7-18-2018)

7-8.5-3. REGULATION OF SMALL WIRELESS FACILITIES.

Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

1. Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

    a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

    b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;

    c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

    d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

    e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and

f. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.

g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

2. Application Process. The Village shall process applications as follows:

a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

d. The Village shall deny an application which does not meet the requirements of this Ordinance.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the application to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

e. Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

3. Completeness of Application. Within 30 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

4. Tolling. The time period for applications may be further tolled by:

   a. An express written agreement by both the applicant and the Village; or

   b. A local, State or federal disaster declaration or similar emergency that causes the delay.

5. Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

6. Duration of Permits. The duration of a permit shall be for a period of not less than five years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Ordinance.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village Code provisions or regulations in effect at the time of renewal.

7. Means of Submitting Applications. Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

Collocation Requirements and Conditions.

1. Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.

2. Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Ordinance. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

3. No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

6. The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

7. Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocation small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. Height Limitations. The maximum height of a small wireless facility shall be no more than ten feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

a. Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

b. 45 feet above ground level.

9. Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in conformance with procedures, terms and conditions set forth in Title 8, Chapter 5, Section 8-5-6.

10. Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

11. Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

12. Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

13. Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

Application Fees. Application fees are imposed as follows:

1. Applicant shall pay an application fee of $650.00 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and $350.00 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

2. Applicant shall pay an application fee of $1,000.00 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.

4. The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

a. Routine maintenance;

b. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least ten days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or

c. The installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

Exceptions to Applicability. Nothing in this Ordinance authorizes a person to collocate small wireless facilities on:

(1) Property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

(2) Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

(3) Property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Ordinance.

Pre-Existing Agreements. Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the City before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Ordinance.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Ordinance for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in

effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

Annual Recurring Rate. A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) $200.00 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be $200.00 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

Abandonment. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

(Ord. No. 2018-17, § 2, 7-18-2018)

7-8.5-4. DISPUTE RESOLUTION.

The Circuit Court of Boone County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than $200.00 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

(Ord. No. 2018-17, § 2, 7-18-2018)

7-8.5-5. INDEMNIFICATION.

A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

(Ord. No. 2018-17, § 2, 7-18-2018)

7-8.5-6. INSURANCE.

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

1. Property insurance for its property's replacement cost against all risks;

2. Workers' compensation insurance, as required by law;

OR

3. Commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

(Ord. No. 2018-17, § 2, 7-18-2018)

CHAPTER 10. RESIDENTIAL CODE

7-10-1. ADOPTION.

The **2021** ~~2015~~ edition of the International Residential Code, including appendix chapters, as published by the International Code Council is hereby adopted in its entirety as the Residential Code of the Village of Poplar Grove, Illinois, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment location, removal and demolition 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 therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code are hereby referred to, adopted, and made a part hereof as if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the Residential Code, including appendix chapters, is on file with the Clerk of the Village.

(Ord. 768, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-10-2. AMENDMENTS.

The **2021** ~~2015~~ Residential Code for One and Two- Family Dwellings is amended to reflect the following:

• Section~~s~~ R105.2 (1), (2), (4), (5) and (10) are hereby deleted**, and the following items are exempt from Building Permits**.

1. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

2. Painting, papering, tiling, carpeting and similar finish work.

3. Prefabricated swimming pools that are less than 24 inches deep.

4. Swings and other playground equipment.

• Section R106.1 is amended to read as follows:

"Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. Where special conditions exist, the Building Official is authorized to require construction documents to be prepared by **a design professional licensed to practice in the state of Illinois** and to require additional documents.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code."

• Add new Section 106.2.1 to the Residential Code to read as follows:

"106.2.1 In addition to the requirements in section 106.2 a topography/grading plan and a proposed top of foundation elevation must be submitted with each permit application as determined by the Building Official."

~~• Add new Section 106.2.2 to the Residential Code to read as follows:~~

~~"106.2.2 A top of foundation survey must be submitted upon completion of the foundation being installed and prior to any framing being placed on the foundation to confirm the foundation elevation and required setbacks."~~

• A new section R110.1.1 is hereby added to read as follows:

"All floor coverings shall be installed and complete in all areas prior to issuing a certificate of occupancy."

• Revise table R301.2 (1) to read as set forth below. All footnotes remain as written per the Residential Code.

Ground Snow Load	30
Wind Speed (mph)	115
Topographic Effects	No
Seismic Design Category	C
Special wind region	No
Wind-borne debris zone	No
Seismic Design Category	A
Weathering	Severe
Frost line depth	42 inches
Termite	Moderate to heavy
Winter Design Temperature	-4 degrees
Ice Shield Underlayment	Yes
Flood Hazard	See Village Stormwater Requirements
Air Freezing Index	2000
Mean Annual Temperature	50 degrees

• Amend first line of Table R302.6 only to read as follows:

Separation	Material
From the residence and attics	Not less than 5/8 inch gypsum board or equivalent applied to the garage side

• Section R309.5 of the Residential Code is deleted in its entirety.

• Create new Section R310.2.3.3 of the Residential Code to read as follows:

"Section R310.2.3.3 Window Well Covers

Window Well Covers. All window wells shall have a protective cover capable of supporting a 250 lb. (113.5 kg.) load, to prevent people and animals from falling into the well. Window well covers for emergency escape and rescue openings shall be installed in accordance with section R310."

• Amend Section R313 to read as follows:

"R313.1 Duplex/Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler shall not be required to be installed in duplexes/townhouses."

R313.1.1 Design and Installation. If an Automatic residential fire sprinkler system is installed voluntarily in a duplex/townhome, it shall be designed and installed in accordance with the current edition of the Illinois Plumbing Code and NFPA 13D.

R313.1.2 Other Code Requirements. All structures built without automatic fire sprinkler systems shall comply with all code requirements of the International Residential Code for non-sprinklered construction.

R313.2 One family dwellings automatic fire systems. An automatic residential fire sprinkler system shall not be required to be installed in one family dwellings, including additions and alterations to such dwellings.

R313.2.1 Design and Installation. If an Automatic residential fire sprinkler system is installed voluntarily in a one family dwelling, it shall be designed and installed in accordance with the current edition of the Illinois Plumbing Code and NFPA 13D.

R313.2.2 Other Code Requirements. All structures built without automatic fire sprinkler systems shall comply with all code requirements of the International Residential Code for non-sprinklered construction."

• Amend section R319.1 to read as follows:

"Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

1. Applicability. This section shall apply to all structures within the Village; provided, that the owners or occupants of existing structures shall not be deemed guilty of a violation hereunder unless they shall fail to comply with this section within 30 days after such time as the numbering sign or designation of street address on the property shall be replaced, changed or redesigned. Compliance with this section shall be a condition for the issuance of a certificate of occupancy in addition to all other ordinances pertaining thereto.
2. Effect of Sign Regulations. In the event of conflict between this section and the Village of Poplar Grove code of ordinances pertaining to building street number signs, the provisions of this section shall control."

• Amend Section 322.1.5 of the Residential Code to read as follows:

"R322.1.5 Lowest Floor. The lowest floor shall be the floor of the lowest enclosed area, including basement."

• Amend Section R322.2.1 items 1 and 4 of the Residential Code to read as follows:

"1. Buildings and structures in flood hazard areas not designed for as Coastal A Zones, shall have the lowest floors elevated 12" (30.5 cm) above the design flood elevation.

4. Basement floors that are below grade on all sides shall be elevated 12" (30.5 cm) above the design flood elevation."

• Delete Section R322.2.2 of the Residential Code in its entirety.

• Create new Section R327 to read as follows:

"Section ~~R327~~ **R331**Accessory Structures

~~R327.1~~ **R331.1**Storage Sheds. All sheds shall be securely anchored either to a foundation or to the ground. Anchoring to the ground shall be accomplished by means of metal ground screws, metal stakes, treated wood stakes, or other approved methods."

• Add New Section R403.3.5 to the Residential Code to read as follows:

"Detached garages. The code official may approve a continuous slab on ground foundations which are located where adequate subsoil drainage frost protection is provided and the following conditions are met:

1. Structure is non-occupiable, unconditional, detached, of Use Groups S or U, does not contain any masonry and does not exceed (1) one story or 25 feet (7.62 m) in height.
2. Slab/foundation may not bear on peats, organic or other questionable soils.
3. Slab thickness is not less than 4" with a minimum of 6" x 6" 10#/10# WWF reinforcing.
4. The perimeter of the slabs turn down to a minimum of 12" below grade and is reinforced with a minimum of 1 continuous (minimum 12" tied laps) #4 steel reinforcing bar.
5. A minimum of 4 inches of screened and washed gravel or crushed stone under the entire slab. The grade surrounding the building shall fall a minimum of 6" within the first 10 feet."

•\Amend Section R801.3 of the Residential Code to read as follows:

"R801.3 Roof Drainage/Gutters and Downspouts. Roofs of all buildings shall have the means of concentrating stormwater. Residential downspouts not connected to the storm sewer shall discharge directly onto splash blocks located no closer to the abutting property line than one-half the overall distance as measured between the building and the abutting property line. The discharged water shall not be allowed to flow across walking or driving surfaces. When the point of discharge is located within 5 feet (1524 mm) from the abutting property line, the discharge pipe shall be directed to the front or rear of the property. If this cannot be achieved, the downspouts shall be directly connected to a storm sewer. The Village, or its authorized designee, may vary the requirements of this section if warranted by site conditions."

• Amend Section M1201.2 of the Residential Code to read as follows:

"M1201.2 Application. In addition to the general administration requirements of Chapter 1, the administrative provisions of this Chapter shall also apply to the mechanical requirements of Chapter 12 through 24, and the Authority Having Jurisdiction (AHJ)."

• Amend Section M1201.3 to read as follows:

"M1201.3 Permits. Mechanical permits shall be obtained in accordance with Chapter 1 and the International Mechanical Code."

• Amend Section M1203.1 to read as follows:

"M1203.1 Heating required. Heat/supply air is required in all rooms (including bathrooms).

Exception:

1. Unoccupied storage or other unoccupied spaces." Add new Section M1401.6 to read as follows:

"M1401.6 Furnace repair. The use of furnace cement or welding for the repair of a furnace heat exchanger is prohibited."

• Delete Section M1408 of the Residential Code in its entirety.

• Create new Section G2414.~~10~~ **9**.1.1 to read as follows:

"G2414.~~10~~ **9**.1.1 Welded connections required. All gas lines two and one half inches (2-1 /2") inside diameter size or larger shall be of welded construction between the consumer's connection to the gas meter and the shutoff valve located immediately adjacent to any gas burning unit. All gas fuel lines carrying gas at one (1) P.S.I.G. or greater, shall be welded construction between the consumer's connection to the gas meter and the shutoff valve located immediately adjacent to any gas burning unit."

• Amend Section G2415.12 to add the following language as the last sentence:

"Piping systems and electrical wiring shall be separated a minimum of 12 inches horizontally when sharing the same trench. Burial depth may be less than 12 inches as provided for in section (404.12.1)."

• Section G2445 is hereby deleted in its entirety (regarding Unvented Room Heaters).

• The following Appendices are adopted as part of this code:

Appendix **A**E Manufactured Housing Used as Dwellings

Appendix **A**F Passive Radon Gas Controls

Appendix **A**G Piping Standards for Various Applications

Appendix **A**H Patio Covers

Appendix **A**J Existing Buildings and Structures

Appendix **A**M Home Day Care - R-3 Occupancy.

(Ord. 761, 11-9-2009; Amd. Ord. 018-06, 6-28-2018)

CHAPTER 11. EXISTING BUILDING CODE

7-11-1. ADOPTION.

The ~~2015~~ **2021** edition of the International Existing Building Code, including appendix chapters, as published by the International Code Council is hereby adopted in its entirety as the Existing Code of the Village of Poplar Grove, Illinois, regulating and governing the repair, alteration, change of occupancy, addition, 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 are hereby referred to, adopted, and made a part hereof as if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the Existing Building Code, including appendix chapters, is on file in the office of the Clerk of the Village.

(Ord. 762, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-11-2. AMENDMENTS.

• Section ~~410~~ **306** is hereby deleted in its entirety and replace with the following:

"Section ~~410~~ **306** Accessibility. Accessibility for existing buildings shall comply with the applicable provisions of the Illinois Accessibility Code."

• **New Section 709 is hereby amended** ~~Section 705 is hereby deleted in its entirety and replace with the following~~:

"Section **709** ~~705~~ Accessibility. A building, facility or element that is altered shall comply with the applicable provisions of the Illinois Accessibility Code."

• **New Section 810 is hereby amended** ~~Section 806 is hereby deleted in its entirety and replace with the following~~:

"Section **810** ~~806~~ Accessibility. A building, facility or element that is altered shall comply with the applicable provisions of the Illinois Accessibility Code."

• **New** Section **908** ~~906~~ is hereby **amended** ~~deleted in its entirety and replace with the following~~:

"Section **908** ~~906~~ Accessibility. A building, facility or element that is altered shall comply with the applicable provisions of the Illinois Accessibility Code."

• Section 1012~~.8~~ is hereby **amended** ~~deleted in its entirety and replace with the following~~:

"Section 1012~~.8~~ Accessibility. A building, facility or element that is altered shall comply with the applicable provisions of the Illinois Accessibility Code."

• Section 1105 is hereby **amended** ~~deleted in its entirety and replace with the following~~:

"Section 1105 Accessibility. Additions shall comply with the applicable provisions of the Illinois Accessibility Code."

• **New** Section **1207** ~~1204.1~~ is hereby **amended** ~~deleted in its entirety and replace with the following~~:

"Section **1207** ~~1204.1~~ Accessibility. A building, facility or element that is altered shall comply with the applicable provisions of the Illinois Accessibility Code."

• **New** Section **1204.5** ~~1205.15~~ is hereby **amended** ~~deleted in its entirety and replace with the following~~:

"Section **1204.5** ~~1205.15~~ Accessibility. A building, facility or element that is undergoing a change of occupancy shall comply with the applicable provisions of the Illinois Accessibility Code."

• ~~Amend~~ **Delete** Section 1401.2 In its entirety.

~~"1401.2 Applicability. Structures existing prior to 1985..." (rest of section remains unchanged).~~

~~(Ord. 2018-06, 6-28-2018)~~

CHAPTER 12. FIRE CODE

7-12-1. ADOPTION.

The **2021** ~~2015~~ edition of the International Fire Code, including appendix chapters, as published by the International Code Council is hereby adopted in its entirety as the Fire Code of the Village of Poplar Grove, Illinois, 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 in the Village and providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code of the Village are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this chapter.

One copy of the Fire Code, including appendix chapters, are on file with the Clerk of the Village.

(Ord. 763, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018)

7-12-2. AMENDMENTS.

• Amend Section 307 to add the following language to read as follows:

"The provision of Section 307 shall be applicable to the extent such provisions do not conflict with Section 5-3-1 of the Village Code of Ordinances. To the extent of any such conflict, the Village Code of Ordinance shall control. All other provisions of Section 307 not in conflict with the Village Code of Ordinances shall remain in full force and effect."

• Create new Section 505.3 to read as follows:

"Section 505.3 Strip malls. When a strip mall has multiple tenant spaces and a dedicated sprinkler control/fire alarm room, the room shall have its own street address. For purposes of this Fire Code, strip mall shall be defined to mean a multi-tenant/user retail building which does not provide for common entrances/exits for the tenants/users."

• Create new Section 901.4.2.1 to read as follows:

"901.4.2.1 Discontinuance of use. All non-required fire protection systems shall be approved for discontinuance by the fire code official. All discontinued equipment and devices, such as pull stations, nozzles, detectors, sprinklers, sensors, panels and hose connections shall be removed so as not to give a false indication that the structure, area or space is protected."

• Create new Section 903.2.11.1 (3) to read as follows:

"3. An interior stairway that conforms to requirements of section 1005 with a separation assembly enclosure of not less than 2 hour, which as a door directly to the exterior and the stairway does not connect more than 2 stories. The basement or windowless story floor level shall be 15 feet (4572 mm) or less vertically from the exterior door threshold level and the door threshold shall be within 10 feet (3048 mm) of grade. Interior stair doors or openings shall be provided in each 50 linear feet (15240 mm) or fraction thereof on at least one side of the basement or windowless story."

• Create new Section 903.3.9 to read as follows:

"903.3.9 Interior control valves. The fire code official may require interior control valves to be installed to isolate occupancies that share a fire suppression system. Where valves are installed in a system, valves shall be supervised or locked in the "open position"."

• Create new Section 903.3.10 to read as follows:

"903.3.10 Exterior control valves. All exterior fire suppression control valves shall have an exterior Indicator Valve (PIV or WPIV) provided in a location approved by the fire code official. Valves shall be locked in the "open position"."

• Create new Section 903.4.2.1 to read as follows:

"903.4.2.1 Strip malls. Strip malls shall provide individual tenant space notification to comply section 907.1."

• Create new Section 907.1.2.1 to read as follows:

"907.1.2.1 Qualifications Shop drawings for fire alarm systems shall be prepared by one of the following:

(1) An Illinois Licensed Professional Engineer with formal training in fire alarm layout/design.

(2) A holder of a valid NICET level 111 or higher certification in Fire Alarm System Layout, who is either employed by or hired by the fire alarm installation contractor.

• Create new Section 907.1.4 to read as follows:

"907.1.4 Strip malls Fire alarm systems shall be capable of identifying a fire alarm device activation or waterflow device-activation in each tenant space. An audio/visual device shall be provided at the front entrance to each tenant space to identify the location of an activated device(s)."

• Amended Section 912.2.2 to read as follows:

"912.2.2 Existing buildings. On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such signs shall be reflective and constructed of material designed to resist weathering. The sign shall have a white background with all lettering and graphics red in color. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location not less than 3 inches (75 mm) high. Such signs shall be subject to the approval of the fire code official."

• Amend Section 912.6 to read as follows:

"912.6 Backflow protection. A water supply serving a fire suppression system shall be protected against backflow with a Reduced Pressure Zone (RPZ) backflow device and comply with the requirements of the Illinois Plumbing Code."

• Amend Section 5601.2.2 to read as follows:

"5601.2.2 Sale and retail display. Persons shall not construct a retail display nor offer for sale explosives, explosive materials or fireworks (1,3G or 1.4G)."

• Amend Section 5608.1 to read as follows:

"5608.1. General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical and group entertainments productions shall comply with section 5608.2 through 5608.10 and NFPA 1123.1126 and all requirements of the Illinois Office of the State Fire Marshall (OSFM)."

• The following Appendices are adopted as part of this code:

Appendix B Fire Flow Requirements for Buildings

Appendix C Fire Hydrant Locations and Distribution

Appendix D Fire Apparatus Roads

Appendix F Hazard Ranking

Appendix H Hazardous Materials Management Plan (HMMP) and Hazardous Material Inventory Statement (HMIS) Instructions.

(Ord. 2018-06, 6-28-2018)

CHAPTER 13. ENERGY CONSERVATION CODE

7-13-1. ADOPTION.

The 2018 edition of the Illinois Energy Conservation Code, including appendix chapters, is hereby adopted in its entirety as the Energy Conservation Code of the Village of Poplar Grove, Illinois, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems 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 Energy Conservation Code are hereby referred to, adopted, and made a part hereof as

if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the Energy Conservation Code, including appendix chapters, is on file with the Clerk of the Village.

(Ord. 766, 11-9-2009; Amd. Ord. 2018-06, 6-28-2018; Ord. No. 2019-32, § 2, 9-18-2019)

~~*CHAPTER 14. LIFE SAFETY CODE*~~

~~7-14-1. ADOPTION.~~

~~The provisions of the 2003 Life Safety Code as promulgated by the National Fire Protection Association, is hereby adopted in its entirety as the Life Safety Code of the Village of Poplar Grove, Illinois, for any buildings and premises in the Village and providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Life Safety Code of the Village are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in this chapter.~~

~~Three copies of the Life Safety Code are on file with the Clerk of the Village.~~

~~(Ord. 770, 11-9-2009)~~

CHAPTER 14. PROPERTY MAINTENANCE CODE

7-14-1. ADOPTION.

The 2021 edition of the International Property Maintenance Code, including appendix chapters, is hereby adopted in its entirety as the Property Maintenance Code of the Village of Poplar Grove, Illinois, regulating and governing the minimum requirements for the maintenance of existing buildings and property improvement provisions as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof as if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the International Property Maintenance Code, including appendix chapters, is on file with the Clerk of the Village.

7-14-2. AMENDMENTS.

The 2021 edition of the International Property Maintenance Code is amended to reflect the following:

• Section 109 is hereby deleted, and all violations of the Property Maintenance Code shall be addressed under 7-19-1 of the Village Building Code.

• Amend Section 302.4 to read as follows:

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of seven inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

• Amend Section 304.14 to read as follows:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

• Amend Section 602 to read as follows:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 15 to May 15 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

CHAPTER 15. TRAMPOLINES

7-15-2. ANCHORING REQUIRED.

Every person, owner, agent, lessee, contract purchaser or renter of a lot or premises located within the Village upon which a private trampoline is situated shall anchor said trampoline to the ground in accordance with manufacturer's specifications. No unanchored trampolines shall be permitted within the Village.

(Ord. 2010-789A, 7-12-2010)

7-15-3. EXISTING TRAMPOLINES, COMPLIANCE REQUIRED.

Private trampolines located on any lot within the Village on the effective date of this chapter shall be brought into conformity with Sections 7-15-1 and 7-15-2 of this chapter within a reasonable time to be fixed by the Building Inspector or Village Clerk.

(Ord. 2010-789A, 7-12-2010)

~~7-15-4. PENALTY.~~

~~Any person, agent, owner, contract buyer, renter, licensee or tenant violating all or any part of this chapter shall be subject to penalty and fine of not less than ten dollars, nor more than $500.00 for each offense, and a separate offense shall be deemed committed each day during which the violation occurs or continues.~~

~~(Ord. 2010-789A, 7-12-2010)~~

CHAPTER 16. FENCES

7-16-1. PERMIT REQUIRED; APPLICATION; FEE.

A. No fence shall be constructed until a permit therefore is issued by the Building Official. Application for such permit shall be on forms prescribed by the Building Official, and shall be accompanied by a plot plan, description of the fence and materials to be used in construction of the fence, location of the fence and plot survey or other evidence as to the location of the property line and the fence in relation to the property line.

B. The fee for such permit shall be in accordance with the fee schedule outlined in Section 7-1-5.

(Ord. 2011-002, 1-10-2011)

7-16-2. MATERIAL.

All fences shall be constructed of chain link, ornamental iron, wood or picket, shall be maintained in good repair and shall be painted or treated in such other fashion so as to maintain a neat appearance at all times.

Wooden posts shall be treated with a wood preservative before being placed underground. All portions of wood fence exposed aboveground shall either be painted or treated with a wood preservative. All gates shall be installed so that they swing into the parcel of real estate of the owner of the fence, and shall have a self-closure and self-closing lock to hold the gate shut at all times when not in use. No barbed wire, wire mesh fence or electrified fence shall be permitted unless otherwise authorized by the Village Board for public property or utility property.

(Ord. 2011-002, 1-10-2011)

7-16-3. HEIGHT REGULATIONS.

A. No fence shall be constructed or erected in any residential, commercial or industrial district to a height exceeding six feet, except where otherwise specified in this Code.

B. Fences which enclose public schools, public property, public utilities, athletic fields, tennis courts or similar facilities, but not including parks with only playground equipment, may be constructed or erected to a height not to exceed eight feet.

C. Where business or industrial property is located adjacent to residentially zoned property, and where screening is required by applicable codes or otherwise, such screening shall be six feet in height.

(Ord. 2011-002, 1-10-2011)

7-16-4. LOCATION RESTRICTIONS.

A. No fence shall be erected on any residential, business or industrial property in the area between any street adjoining the property and the building setback line. This area includes front yards and side yards which adjoin streets, subject to the exception set for in subsection 7-16-4(B)(2).

B. On residential property, the following exceptions may be permitted to the location of fences:

   1. Ornamental fences not exceeding six feet in length in any direction, nor more than four feet in height, may be erected at the corner of each lot.

   2. Fences along the side abutting a street of a corner lot may extend beyond the building setback line at a distance of 50 percent of the distance between the building setback line and the property line.

C. Dog run enclosures shall be located not less than six feet from any property line.

(Ord. 2011-002, 1-10-2011)

7-16-5. INTERIOR FENCES.

Swimming pool enclosures shall be erected in accordance with Section 7-4-5 of this title.

(Ord. 2011-002, 1-10-2011)

7-16-6. ELECTRICAL DEVICES, BARBED WIRE, ETC.

It is unlawful to erect or maintain anywhere in the Village a fence equipped with or having barbed wire spikes or any similar device, or any electric charge sufficient to cause shock, within seven feet of the ground level, except for fences installed pursuant to authority of the Village Board acting under Section 7-16-2.

(Ord. 2011-002, 1-10-2011)

7-16-7. EXISTING FENCES; DAMAGE OR DESTRUCTION.

Any fence in existence as of the effective date of this chapter shall be exempt from the provisions of this chapter, with the exception of barbed wire fences, wire mesh fences, electrified fences and swimming pool enclosures. Upon the substantial damage or destruction or voluntarily removal of such an existing fence, any repaired, reconstructed or new fence shall be subject to the provisions of this chapter.

(Ord. 2011-002, 1-10-2011)

CHAPTER 17. PROVISIONS APPLICABLE TO ALL CODES

7-17-1. VIOLATIONS TO CODES AND PENALTIES.

All violation penalties referenced in any codes adopted under this Title 7, including, but not limited to, International Code Council codes, National Fire Protection Association codes, **International Property Maintenance Code,** and/or the Illinois Plumbing Code, Illinois Accessibility Code or Illinois Energy Code, or other State mandated codes ~~are amended to read as follows:~~ **shall be assessed according to the provisions of Section 7-19-1 of this Code.**

~~It shall be unlawful for any person, firm or corporation to violate a provision of this code or fail to comply with any of its requirements or to erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Official or of a permit or certificate issued under the provisions of this code. Each violation shall be punishable by a fine of not less than $100.00 nor more than $750.00. Each day that the violation continues shall constitute a separate violation. This section shall not be construed to prevent the Village from seeking injunctive relief in appropriate cases.~~

(Ord. 2018-06, 6-28-2018)

7-17-2. CERTAIN PERSONS EXEMPTED FROM PAYMENT OF PERMIT FEES.

The Village or its designated agents and contractors are exempt from the payment of any building permit fee, electrical permit fee, plumbing permit fee, or any other permit fee that is required by the building code and zoning code of the Village.

(Ord. 2018-06, 6-28-2018)

7-17-3. FLOOD HAZARD AREAS.

To establish flood hazard areas, the Village of Poplar Grove adopts the Federal Emergency Management Agency engineering report(**s) for any designated waterway for which a** Flood Insurance Study, 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 as the flood hazard map**(s)** for the Village. The flood hazard map**(s)** and supporting data are hereby adopted by this reference. Where building codes are more restrictive, the ~~lower~~ more restrictive number shall apply.

(Ord. 2018-06, 6-28-2018)

7-17-4. STOP WORK ORDERS AND APPEALS OF BUILDING INSPECTOR DECISIONS.

The following provisions regarding stop work orders and appeals of the Building Inspector's decisions shall apply to all Chapters under this Title 7, and each code adopted under this Title 7, including, but not limited to, International Code Council codes, National Fire Protection Association codes, and/or the Illinois Plumbing Code, Illinois Accessibility Code or Illinois Energy Code, or other State mandated codes is amended to reflect as follows:

Stop Work Orders. Stop Work Orders may be issued by the Building Inspector with respect to any construction or work when violations of the Village of Poplar Grove Building Regulations or the Village of Poplar Grove Municipal Code occur. Work shall not be continued until written permission for such resumption is issued by the Building Inspector and a Stop Work Order fee, if any, has been paid to the Village by the person or entity to whom the Stop Work Order was issued. If the Stop Work Order is an oral order, such oral order will be followed by the issuance of a written Stop Work Order setting forth the terms, conditions, provisions, and restrictions of the oral order, which written Stop Work Order shall be issued and posted on the affected site or sites within 72 hours of issuance of the oral order, or as soon thereafter as is practical. Any person who violates a Stop Work Order shall be in violation of the Village of Poplar Grove Municipal Code and subject to revocation of their permit and other Village remedies provided therein.

Appeals. Any person who wishes to appeal any order, decision, or the interpretation by the Building Inspector of any Village of Poplar Grove Building Regulations or Village of Poplar Grove Municipal Code, as established from time to time, shall, within 45 days of the issuance of such order, decision, and/or interpretation, file a written appeal with the corporate authorities of the Village of Poplar Grove, which shall conduct a hearing on such appeal and may affirm, overrule, or modify the decision of the Building Inspector. Such hearing by the corporate authorities shall be within 30 days of the filing of the written appeal. The appealing party shall be allowed to present their case to the corporate authorities.

(Ord. 2018-06, 6-28-2018)

CHAPTER 18. ILLINOIS ACCESSIBILITY CODE

7-18-1. ADOPTION.

The 2018 edition of the Illinois Accessibility code, including appendix chapters, is hereby adopted in its entirety as the Accessibility Code of the Village of Poplar Grove, Illinois, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems 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 Energy Conservation Code are hereby referred to, adopted, and made a part hereof as if fully set out in this section with the additions, insertions, deletions and changes, if any, as prescribed in this chapter.

One copy of the Accessibility Code, including appendix chapters, is on file with the Clerk of the Village.

(Ord. 2018-06, 6-28-2018; Ord. No. 2019-32, § 3, 9-18-2019)

CHAPTER 19. PENALTIES

7-19-1. ADOPTION.

Any person who shall violate any provision of the Village Code or who shall fail to comply with any requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Inspector, or in violation of the provisions of a permit, certificate, or stop order issued under the provisions of this Chapter, shall be charged with a petty offense punishable by a fine of not more than Seven Hundred Fifty Dollars ($750.00) per day, and shall be responsible for the Village's cost of prosecution, including, but not limited to, the Village's attorney fees, court costs, expert witness costs, and other costs and expenses incurred by the Village related thereto. Each day that a violation continues shall be deemed a separate offense. This section shall not be construed to prevent the Village from seeking injunctive relief in appropriate cases.