

**ORDINANCE AMENDING
SECTIONS 4-1-2, 4-1-6, 4-1-7, 4-1-9, 4-3-10 AND 4-4-4
OF THE VILLAGE CODE**

WHEREAS, the Village of Barrington Hills, Illinois, a home-rule municipality (the "Village") has found that the Village Building Code (Title 4) requires certain amendments to the penalty provisions thereof; and

WHEREAS, in order to promote the health, safety, morals and general welfare of the Village and to protect the public health and safety of the citizens residing in the Village, the President and the Board of Trustees of the Village find and believe it to be in the best interest of the Village to amend Sections 4-1-2, 4-1-6, 4-1-7, 4-1-9, 4-3-10 and 4-4-4 of the Village Code as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section 1. Incorporation of Preambles. The Village Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Administration. Sections 4-1-2(J), 4-1-6, 4-1-7(D) and 4-1-9 of the Village Code, shall be, and the same hereby are amended to read as follows:

"4-1-2(J) Time Limitation For The Completion Of Construction: Whenever any construction contemplated by a building permit is commenced within the prescribed period, such construction shall be completed within the following times from the date of the issuance of said building permit, exclusive of any days within the months of December, January and February, or shall be deemed to have been abandoned:

1. Single-family residence: eighteen (18) months;
2. Accessory building, including remodeling and additions of all buildings: twelve (12) months;
3. Agricultural, commercial, industrial and other nonresidential buildings and structures: time set by terms of the building permit;
4. Accessory uses, including swimming pools, tennis courts, satellite antenna with screening which shall be completed concurrently: six (6) months;
5. Septic repairs: three (3) months; and

6. Site development, including artificial lakes: time set by terms of the site development permit.

In the event that said construction is not completed within the prescribed period, the owner shall be liable for a fine of One Hundred Dollars (\$100.00) for each day the building, structure, or site development remains incomplete and shall further be liable for any cost incurred by the Village to remove any hazard or threat to public safety that may exist because of the abandoned construction. Nothing in this section shall prevent the building officer from requiring completion of such construction by an earlier prescribed date in those instances where there exists immediate or imminent threat to the public health, safety or welfare.

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4-1-6 **FEES.** All fees shall be paid prior to the issuance of a permit or the commencement of an inspection or the issuance of a certificate in accordance with the following schedule:

(A) Plan Review And Inspection:

1. Single-family residence - excluding plumbing:

\$1,250.00 for 2,499 square feet or less

0.55 per square foot for 2,500 to 4,999 square feet

0.70 per square foot for 5,000 to 7,499 square feet

0.85 per square foot for 7,500 square feet or more

2. Single-family residence - addition, enlargements, and remodeling, excluding plumbing:

\$200.00 for 449 square feet or less

0.30 per square foot for 450 to 999 square feet

0.45 per square foot for 1,000 to 1,499 square feet

0.55 per square foot for 1,500 square feet or more

3. Accessory building - including nonresidential buildings and their additions, enlargements and remodeling:

\$100.00 for 249 square feet or less

200.00 for 250 to 749 square feet

300.00 for 750 square feet or more

4. Accessory uses - including swimming pools - \$300.00.

5. Plumbing - including septic system installation or repair - \$250.00.

6. Each additional inspection or plan revision which is required to be undertaken by the village either by reason of inaccuracies or incompleteness in the application or, in the sole discretion of the building officer, by reason of the unusual or extraordinary character of the construction or alteration including,

without limitation, the inspection of any covered portions of the work, shall require a charge equal to the greater of: a) One Hundred Dollars (\$100.00), or b) the actual cost to the village for such additional inspection or plan revision. This fee shall be in addition to any other fee required under this chapter.

(B) Percolation Test: A percolation test witness shall require a charge of one hundred dollars (\$100.00) for a representative of the village to witness a percolation test and all such fees shall be due prior to the witness of such test. Such fee shall be nonrefundable; however, in the event any applicant reschedules or cancels a witness, the applicant shall be entitled to apply the fee that has already been paid for another percolation test at the same location, provided, that such test occurs within one month from the original scheduled or canceled date.

(C) Zoning Certificates - as required by Section 5-10-2 of the Village Code shall require a charge of One Hundred Dollars (\$100.00) plus the entire review expense of the Village Engineer as incurred to fulfill the duties required of the Zoning Enforcement Officer to issue said certificate.

(D) Certificate of Compliance – as required by Section 5-10-3 of the Village Code shall require a charge of One Hundred Dollars (\$100.00) plus the resolution of all violations of the Village Code and the payment of all fines and penalties assessed against the owner or the property under any of the provisions of the Village Code as provided in Section 5-10-3 of the Village Code.

(E) In the event the building permit is subsequently withdrawn, and a refund is requested with six (6) months of the payment of the fees required pursuant to subsections (A) 1 through 6, the Village shall refund such paid fees to the applicant less an amount equal to four percent (4%) of such fees paid for each week which has elapsed between the receipt of said permit and the Village's receipt of the applicant's written request for said refund. The amount retained by the Village and not refunded to applicant shall be to compensate the Village for administration costs incurred by the Village in processing the permit application and in no event shall the amount retained by the Village be less than One Hundred Dollars (\$100.00). No applicant shall be entitled to a refund of any such fees in the event the request for such a refund is received by the Village more than six (6) months after the receipt of the building permit.

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4-1-7(D) Unlawful Continuance: Any person who shall continue the activity after having been served with a notice of violation or who shall continue or commence any work on property posted with a stop-work order, except such work as he has been directed to perform to remove a violation or unsafe conditions, shall be liable for a fine of not more than Seven Hundred Fifty Dollars (\$750.00). Each day that he continues shall be deemed a separate offense.

4-1-9 VIOLATIONS AND PENALTIES. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter, including provisions adopted by reference, or to remedy a hazard of fire, explosion, collapse, contagion or spread of infectious disease found to exist and duly ordered eliminated, shall be deemed guilty of a separate offense for each and every day during which any violation thereof is committed, continued or permitted and, upon conviction of any such violation, such person shall be punished by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) for each offense. In addition to any other penalty authorized by this Section, any person violating any of the provisions of this Chapter shall be required to abate said violation of this Chapter, including, where appropriate, the restoration of the property to the condition existing prior to commission of the violation, and to bear the expense of such abatement or restoration.”

Section 3. Erosion and Sedimentation Control Regulations: Section 4-3-10 (“Erosion and Sedimentation Control Regulations: Violations and Penalties”) of the Village Code shall be, and the same hereby is, amended to read as follows:

“4-3-10 VIOLATIONS AND PENALTIES. No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill or cause the same to be done, contrary to or in violation of any provisions of the regulations of this chapter. Any person violating any of these regulations shall be deemed guilty of a separate offense for each and every day during which any violation thereof is committed, continued or permitted and, upon conviction of any such violation, such person shall be punished by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) for each offense. In addition to any other penalty authorized by this section, any person convicted of violating any of the regulations of this chapter shall be required to restore the property to the condition existing prior to commission of the violation or to bear the expense of such restoration.”

Section 4. Surface Water Drainage. Section 4-4-4 of the Village Code (“Surface Water Drainage: Violations and Penalties”) shall be and the same hereby is, amended to read as follows:

“4-4-4 VIOLATIONS AND PENALTIES. No person shall unreasonably alter the natural course of drainage and seepage of surface waters or cause the same to be done, contrary to or in violation of any provisions of this chapter. Any person found to be in violation of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day during which any violation thereof is committed, continued or permitted and, upon conviction of any such violation, such person shall be punished by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) for each offense. In addition to any other penalty authorized by

this section, any person convicted of violating any of the provisions of this chapter shall be required to restore the property to the condition existing prior to commission of the violation and to bear the expense of such restoration.”

Section 5. Validity. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.


Section 6. Superseder and Effective Date. All ordinances, resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

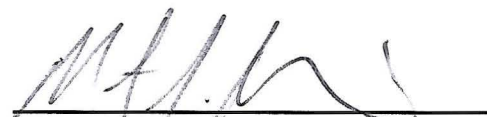
PASSED THIS 24th day of June, 2013.

AYES: 6 NAYS: 0 ABSENT: 1.

APPROVED THIS 24th day of June, 2013.

ATTEST:


Village Clerk


Village President