

VILLAGE OF TOWER LAKES

ORDINANCE NO. 2019-_____

ORDINANCE AMENDING THE
VILLAGE OF TOWER LAKES VILLAGE CODE
AND SPECIFICALLY:

- (1) Chapter 4, "Nuisances", of Title 7, "Health and Sanitation";
 - (2) Chapter 3, "Animal Control", of Title 8, "Police Regulations";
 - (3) Chapter 1, "Administrative Provisions", of Title 10, "Zoning Regulations";
 - (4) Chapter 4, "Districts Enumerated", of Title 10, "Zoning Regulations"; and
 - (5) Chapter 6, "General Requirements", of Title 10, "Zoning Regulations"
-

ADOPTED BY THE
CORPORATE AUTHORITIES
OF THE
VILLAGE OF TOWER LAKES

THIS _____ DAY OF _____, 2019

Published in pamphlet form by the Corporate Authorities of the Village of Tower Lakes, Lake County, Illinois this _____ day of _____, 2019.

**ORDINANCE AMENDING THE
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- (1) Chapter 4, “Nuisances”, of Title 7, “Health and Sanitation”;
- (2) Chapter 3, “Animal Control”, of Title 8, “Police Regulations”;
- (3) Chapter 1, “Administrative Provisions”, of Title 10, “Zoning Regulations”;
- (4) Chapter 4, “Districts Enumerated”, of Title 10, “Zoning Regulations”; and
- (5) Chapter 6, “General Requirements”, of Title 10, “Zoning Regulations”

WHEREAS, the Corporate Authorities of the Village of Tower Lakes (“the Village”) have determined that it is in the best interests of the Village and its residents to amend the Village of Tower Lakes Village Code to permit the keeping of chickens in certain residential zoning districts within the Village, all as set forth herein:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tower Lakes, Lake County, Illinois, as follows:

SECTION 1: The President and Board of Trustees hereby find that the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance as its findings of fact to the same extent as if such recitals had been set forth herein in their entirety.

SECTION 2: Section 7-4-1, “Nuisances Declared”, of Chapter 4, “Nuisances”, of Title 7, “Health and Sanitation”, of the Tower Lakes Village Code is hereby amended to read as set forth on Exhibit A attached hereto and thereby made a part hereof. (Interlined text shall be stricken, and underlined text shall be added.)

SECTION 3: Chapter 3, “Animal Control”, of Title 8, “Police Regulations”, of the Tower Lakes Village Code is hereby amended by amending Section 8-3-3, “Animal Nuisances”, and by adding a new Section 8-3-10, “Backyard Chickens”, and by re-numbering Section 8-3-10, “Penalties”, to be Section 8-3-11, all of which shall read as set forth on Exhibit B attached hereto and thereby made a part hereof. (Interlined text shall be stricken, and underlined text shall be added.)

SECTION 4: Section 10-1-3, “Definitions”, of Chapter 1, “Administrative Provisions”, of Title 10, “Zoning Regulations”, of the Tower Lakes Village Code is hereby amended to read as set forth on Exhibit C attached hereto and thereby made a part hereof. (Interlined text shall be stricken, and underlined text shall be added.)

SECTION 5: Chapter 4, “Districts Enumerated”, of Title 10, “Zoning Regulations”, of the Tower Lakes Village Code is hereby amended by amending the following Sections: Section 10-4A-3, “A-3 Districts”, and Section 10-4A-4, “A-4 Districts”, of Article A, “Residence Districts”; Section 10-4C-1, “F Districts”, of Article C, “Farming Districts”; and amending Article F, “Interpretation”, to read as set forth on Exhibit D attached hereto and thereby made a part hereof. (Interlined text shall be stricken, and underlined text shall be added.)

SECTION 6: Section 10-6-8, “Incidental Uses; Home Occupations; Occasional Sales; Short-Term Rentals”, of Chapter 6, “General Requirements”, of Title 10, “Zoning Regulations”, of the Tower Lakes Village Code is hereby amended to read as set forth on Exhibit E attached hereto and thereby made a part hereof. (Interlined text shall be stricken, and underlined text shall be added.)

SECTION 7: All parts of the Village of Tower Lakes Village Code in conflict with the terms or provisions of this Ordinance be and the same are hereby amended or repealed to the extent of such conflict, and said Village Code and all other existing ordinances shall otherwise remain in full force and effect.

SECTION 8: The Corporate Authorities of the Village intend that this Ordinance will be made part of the Tower Lakes Village Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section”, “Article”, “Chapter”, or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors can be corrected with the authorization of the Village Attorney, or his or her designee.

SECTION 9: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 10: This Ordinance shall not affect any punishment, discipline, infraction, or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for any offense or violation committed or cause of action arising before this Ordinance, and said other ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

SECTION 11: This Ordinance shall be effective after its passage, approval and publication in pamphlet form.

SECTION 12: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

Presented, read and passed by the President and Board of Trustees of the Village of Tower Lakes, Lake County, Illinois, on a roll call vote at duly called a regular or special meeting of the Board of Trustees on the ____ day of _____, 2019, and deposited and filed in the Office of the Clerk of said Village on said date.

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

APPROVED by the President of the Village of Tower Lakes,
Illinois, this _____ day of _____, 2019

**David Parro, Village President,
Village of Tower Lakes**

ATTEST:

**Chris Burgoon, Village Clerk,
Village of Tower Lakes**

**Recorded in the Record of Ordinances
of the Village as Ordinance No. 2019-_____**

**Chris Burgoon, Village Clerk,
Village of Tower Lakes**

PUBLISHED IN PAMPHLET FORM THE _____ DAY OF _____, 2019

EXHIBIT A

CHAPTER 4
NUISANCES

CHAPTER 4
NUISANCES

Section

7-4-1 Nuisances Declared

7-4-2 Enforcement; Abatement of Nuisances

'7-4-1: NUISANCES DECLARED:

- A. **Public Health Nuisances Declared:** The following are declared to be public nuisances prejudicial to the public health:
- (1) All decayed or unwholesome food offered for sale to the public.
 - (2) All diseased animals running at large.
 - (3) Carcasses of dead animals not buried or destroyed within twenty four (24) hours after death.
 - (4) Accumulations of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste, except the normal storage of small quantities of manure for agricultural or garden purposes.
 - (5) Household garbage in containers that are not fly-tight or any trash that is scattered by the wind or by dogs or other animals.
 - (6) The pollution of any well, cistern, spring, underground water stream, lake, canal or body of water by sewage or industrial wastes, or other substance harmful to human beings.
 - (7) Discharge of any sanitary system, including any automatic washing machine or other laundry discharge, into open ditches or into any part of a storm sewer or drainage system, or into any dry well.
 - (8) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other persons.
 - (9) All infestations of vermin which may be involved in the transmission of communicable disease.
 - (10) Quarters leased, rented or occupied for human habitation which are unfit for human habitation.

- (11) Burning in an outdoor open fire of any waste food or material which will create obnoxious odors.
- (12) Failure of any building contractor to maintain the construction site and property in a neat and orderly fashion.
- (13) All other acts, practices, conduct, businesses, occupations, callings, trades and uses of property detrimental to the health of the inhabitants of the Village.

B. Nuisance Outdoor Lighting Prohibited:

- (1) It shall be unlawful for any person owning, occupying, and/or having control of any property in the Village to cause, permit, allow and/or maintain:
 - (a) Any lighting located on any property within the Village which illuminates onto any property owned and/or occupied by other person(s) in such a manner as to disturb and/or interfere with the comfort, repose, health, peace, or safety of the occupant(s) of such other property is hereby prohibited and declared to be a public nuisance.
 - (b) Without any limitation of subparagraph B(1)(a) above, any lighting which causes more than one-tenth (0.1) footcandle of illumination to fall on to any property owned and/or occupied by others which is improved with one (1) or more single-family detached dwellings is hereby prohibited and declared to be a public nuisance.
 - (c) Without any limitation of subparagraphs B(1)(a) or (b) above, Any lighting which creates an unreasonable or excessive amount of glare, which affects or may be reasonably expected to affect traffic safety on any public roadway, or which causes or may be reasonably expected to cause extreme traffic congestion on any public roadway, is hereby prohibited and declared to be a public nuisance.
- (2) Lighting, whether or not illuminated, which is designed or intended for seasonal outdoor use and/or which is designed for, and/or intended and is or was used as part of an outdoor holiday or seasonal display shall not be caused, permitted, and/or allowed to remain or be maintained on any property within the Village for a period or periods totalling more than five (5) months during any twelve (12) month period, and any such outdoor lighting caused, permitted, and/or allowed to remain or be maintained for a period of longer than five (5) months during any twelve (12) month period is hereby prohibited and declared to be a public nuisance. Weather conditions, such as extreme cold or excessive rainfall, may result in the allowance of an additional time period, to be determined by the Village President, or his or her designee, for removal of such lighting.

- C. Nuisance Noise Prohibited: It shall be unlawful and shall constitute a public nuisance for any person within the Village to make, continue to make, or cause to be made or continued, any loud, unnecessary, ~~or~~ unusual, and/or repeated noise at any time of the day or night which disturbs, damages, or interferes with the comfort, repose, health, peace or safety of others.
- D. For the purposes of this Chapter a “person” shall be as defined in Section 1-3-2 (“Definitions”) of this Village Code.

EXHIBIT B

CHAPTER 3
ANIMAL CONTROL

CHAPTER 3
ANIMAL CONTROL

Section

- 8-3-1 Identification
- 8-3-2 Rabies Vaccination
- 8-3-3 Animal Nuisances
- 8-3-4 Impounding Animal Pets
- 8-3-5 Biting of Persons
- 8-3-6 Dead or Diseased Animals
- 8-3-7 Dangerous or Vicious Animals
- 8-3-8 Inhumane Treatment of Animals
- 8-3-9 Animal Waste
- 8-3-10 Backyard Chickens
- 8-3-11 Penalties

* * * *

'8-3-3: ANIMAL NUISANCES:

- (A) It shall be unlawful and shall constitute a public nuisance for any person to harbor or to keep any animal within the Village which disturbs the peace by making loud, unnecessary, unusual, and/or repeated noises at any time of the day or night which disturbs, damages, or interferes with the comfort, repose, health, peace, or safety of others.
- (A B) Any animal pet which trespasses on or damages the property of a person who is not its owner or which creates a public disturbance or excessive noise is hereby declared to be a public nuisance.
- (B C) Any animal pet which harms, threatens or endangers the physical safety of any person or any other animal pet is hereby declared to be a public danger.
- (C D) Any animal pet which is not on the property of its owner and which has no collar upon its neck containing a suitable identification tag affixed thereto is hereby declared to be a stray.
- (D E) Any animal pet which has no collar upon its neck containing a current rabies tag affixed thereto is hereby declared to be a threat to public health.
- (E F) Any dog which is unattended and not located on the property of its owner is hereby declared to be a public nuisance.
- (F G) Any person who has knowledge of facts sufficient to provide reasonable grounds for belief that any animal pet is a public nuisance, public danger, stray or threat to public health, may file a verified complaint with the Village police setting forth such facts, a description of the animal pet and the name of the owner of the animal pet, if known.
- (G H) Upon receipt of a ~~verified~~ complaint ~~of~~ by any person or information from any ~~policeman~~ public official that an animal pet is a public nuisance, public danger, stray or threat to public health, a police officer of the Village police shall notify the ~~owner~~ owner(s) of the animal pet,

~~if known, of the charges against it them and in such event, a verified complaint or citation shall be filed with a court of competent jurisdiction or with the Village's Administrative Adjudication Department which shall, by a notice to appear or by a summons, summon require the owner to appear for a in court or at a Village hearing on the such charge(s). on a date not less than seven (7) days after such notification and summons. The owner of the animal pet who signed the verified complaint or the policeman who provided information against the animal pet may be required to appear at the hearing by subpoena.~~

* * * *

'8-3-10: BACKYARD CHICKENS:

(A) Definition: For purposes of this Chapter, the following term shall have the meaning as set forth herein:

BACKYARD CHICKEN: Chicken hens (the female of the species Gallus gallusdomesticus), but only as permitted by this Section 8-3-10 of this Chapter. Backyard chickens shall not include any roosters or any other species of fowl.

DEEP LITTER SYSTEM: An animal housing system, based on the repeated spreading of straw or sawdust material in an indoor enclosure. An initial layer of litter is spread for the animals to use for bedding material and to defecate in, and as the litter is soiled, new layers are continuously added. The usual procedure for built-up floor litter is to start with about 4 inches of fine litter material with additions of 1 to 2 inches later as needed without removal of the old.

PREDATOR APRON: A predator apron is fencing that is buried below ground level or bent horizontally at and on the ground surface to provide a barrier to predators which may attempt to find a way to enter into a chicken coop or chicken run. Half-inch (1/2") welded and galvanized hardware cloth shall be used for this purpose and chicken wire shall not be used.

(B) General Regulations:

(1) The allowing, permitting, keeping and/or maintaining of backyard chickens as an accessory use on any residential property located within the Village may only be permitted after the Village has received, reviewed, and approved the mandatory Application and Registration Form and any related documentation required and/or requested by the Village from the owner(s) and occupant(s) of the respective residential property, which registration form shall be submitted to the Village for its review and approval on an annual basis on or before May 1st of each year. The allowing, permitting, keeping and/or maintaining of backyard chickens on any such residential property shall also be subject to the following regulations:

(a) Parcel Zoning and Area: Subject to the other conditions of this Chapter and of this Village Code, backyard chickens may be allowed, permitted, kept and/or maintained on a lot or parcel, or combination thereof within the Village which is or are improved with an occupied single-family residential structure, on property located within the Village's A-3, A-4, or F Zoning Districts, but only if such lot or

parcel has a minimum of two (2) acres or more, and in addition, such lot or parcel shall be and remain subject to any recorded covenants, conditions, and restrictions which are applicable to the specific subdivision in which said property is located, which covenants, conditions, and restrictions of record may be enforced by the applicable homeowner's association. In the case of any conflict between the applicable ordinances of the Village and the covenants, conditions, and restrictions of record which are applicable to any parcel, the more restrictive regulations shall be applicable.

- (b) Parcels Containing and/or Adjacent to Any Bodies of Water: Notwithstanding any other provisions contained herein, the keeping and/or maintaining of chickens is not allowed on lots or parcels which are adjacent to any of the following bodies of water: Tower Lake, North Lake, Davlin's Pond, Cypress Pond, and Wagner Fen.
- (c) Limited to Certain Village Zoning Districts: The allowing, permitting, keeping and/or maintaining of backyard chickens shall only occur on a residential lot or parcel located within the A-3, A-4, or F Zoning Districts of the Village, and only if such lot or parcel has a minimum lot area of two (2) acres or more containing an occupied single-family detached residential dwelling unit. The allowing, permitting, keeping and/or maintaining of backyard chickens is prohibited on all other properties within the Village, including but not limited to parcels improved with duplexes, townhomes, condominiums, apartments, and/or any other multi-family residential dwelling unit, or improved with any non-residential structure.
- (d) Vacant Parcels: The allowing, permitting, keeping and/or maintaining of backyard chickens shall be prohibited on any vacant parcels or on any single-family residential property which is not occupied.
- (e) Maximum Number: Notwithstanding any other provisions of this Village Code relative to the maximum number of animals which are permitted to be kept on a property within the Village, the maximum number of backyard chickens which may be kept on any lot or parcel within the Village may not exceed twelve (12) birds of any age and only on any occupied single-family residential lot or parcel of two (2) acres or more located in the A-3, A-4, or the F Zoning District of the Village.
- (f) Roosters Prohibited: Roosters are prohibited to be kept and/or maintained anywhere within the Village.
- (g) Slaughtering of Animals Prohibited: The out-of-doors on-site cleaning and/or slaughtering of any chicken or other fowl, or of any other animal (other than fish) is prohibited within the Village.
- (h) Registration Required:

 - (i) On or before May 1 of each year, any person(s) desiring to allow, permit, keep and/or maintain backyard chickens on any residential lot or parcel of two (2) acres or more in the A-3, A-4 or F Zoning Districts within the Village

(sometimes referred to herein as the “operation”), and any and all persons presently allowing, permitting, keeping and/or maintaining backyard chickens on any such property within the Village limits, including both the owner(s) and occupant(s) of such residential property, are required to and shall register said operation with the Village of Tower Lakes by submitting an “Application and Registration Form for the Keeping of Backyard Chickens” (the “Application and Registration Form”) supplied by the Village and approved by the Village Board of Trustees, to the Village of Tower Lakes Village Hall, 400 N. Rt. 59, Tower Lakes, IL 60010 for the review and approval by the Village. If the applicant(s) for said operation are not the owner(s) of the property in question, but rather, are tenant(s) occupying the subject residential property, the applicant is and shall be required to obtain the written consent of the respective owner(s) of said residential property and submit such written consent to the Village along with the required Application and Registration Form which Application must also be executed by the respective owner(s) of said residential property.

(ii) All owner(s) and occupant(s) of any property within the Village presently keeping or maintaining any backyard chickens are required to and shall secure the Village’s approval of their operation by submitting to the Village the required Application and Registration Form and permitting the Village’s inspection of their existing operation within one hundred eighty (180) days after the effective date of this Section. Any existing operation is required to and shall be brought into compliance with this Section and all other applicable Village ordinances within said 180-day time frame, and the Village reserves the right to inspect any existing operation at the sole cost and expense of the owner(s), occupant(s), and applicant(s).

(iii) The owner(s), occupant(s), and applicant(s) are required to keep such Application and Registration Form current and up-to-date in terms of the information set forth on such form on file with the Village. If any information on said Application and Registration Form changes and/or becomes inaccurate, within thirty (30) days of such change, the owner(s), occupant(s) and applicant(s) shall be required to provide the Village with a properly completed and executed updated Application and Registration Form containing the current information.

(iv) Inspections of chicken coops and runs to ensure compliance with the applicable provisions of this Village Code shall be required in accordance with Subsection (C)(14) of this Section.

(v) The Village’s approval of the allowing, permitting, keeping and/or maintaining of backyard chickens shall be specific to the applicant(s) and shall not be transferable to any other person(s) upon the conveyance and/or rental of the property in question to any other person(s).

(i) Sale of Eggs: The sale of eggs, whether produced by backyard chicken or otherwise, is prohibited on any residential property within the Village.

- (j) Storage of Feed: Feed for backyard chickens shall be kept in rodent-proof containers inside a shed, garage, or other secure accessory building.
- (k) Odors: Backyard chicken owners shall regularly remove chicken waste (feces, scraps, and bedding) from their coop and chicken run consistent with the operation of the required deep litter system. At no time shall the owner of backyard chicken allow odors from backyard chicken or backyard chicken waste to emanate to or adversely affect adjoining properties.
- (l) Runoff: The Owner(s) of the property where backyard chickens and a chicken coop and fence are located shall use best management practices as recommended from time to time by the Lake County Stormwater Management Commission for erosion control to prevent any runoff of chicken waste from their property and the occurrence of any such runoff shall constitute a violation of this Section.
- (m) Applicable Restrictions, Conditions, and/or Covenants of Subdivisions and/or Homeowners' Associations Are Not Affected: The provisions of this Section relative to the keeping and/or maintaining of backyard chickens shall not impair or abrogate any recorded covenants, conditions and restrictions related to chickens, ducks, and/or other fowl, or otherwise related to animals. A property owner may be required to provide written evidence of compliance that any proposed backyard chickens, any chicken coop, and any chicken run do not conflict with and are not inconsistent with any recorded and applicable restrictions, conditions, and/or covenants for the property which is the subject of an application for such use(s) and improvements.

(C) Regulations Relative to Coops and Runs for Backyard Chickens:

- (1) Containment: Chickens are prohibited from running at large and shall be contained at all times in a coop with a fenced chicken run.
- (2) No more than one (1) coop and no more than one (1) chicken run shall be permitted on any lot or parcel, and then only if it meets all of the other requirements of this Section.
- (3) Enclosed: All coops shall be enclosed.
- (4) Size: Coops shall provide a minimum of two (2) square feet per hen. Coops shall not exceed nine (9) feet in height measured from the ground level. Chicken runs shall meet or exceed the coop area and allow three (3) square feet per chicken.
- (5) Fencing: The maximum fenced area for any chicken run shall not exceed 300 square feet. Permanently installed fencing (i.e., affixed to or anchored in concrete posts) for backyard chicken runs shall require a fence permit and comply with all applicable fence regulations as set forth in this Village Code. Fences must include a predator apron.
- (6) Deep litter systems as defined in Paragraph A of this Section are required for managing chicken waste.

- (7) Village Building Permit(s) Required: Any chicken coop and any chicken run shall require a building permit issued by the Village prior to the commencement of the construction and/or alteration of any such coop or run.
- (8) Coops and runs may be freestanding (i.e., not attached to the residence): Any coop and run for backyard chickens shall constitute accessory buildings but, notwithstanding the provisions of Section 10-6-8(B) of this Village Code, attachment of a coop and/or run to a residence shall not be required when such coop and run are otherwise in compliance with all other applicable provisions of this Section and of the other applicable provisions of the Zoning Regulations of the Village as set forth in this Village Code.
- (9) Electrical:
- (a) The installation of AC (i.e., alternating current) electrical wiring, electrical lighting and/or electrical heating elements in any coop shall require a Village permit. A pre-fabricated coop with factory-installed electrical wiring, lighting, or heating equipment operating with a standard pronged electrical cord shall not require a permit unless after-market modifications have been made to any of the electrical component(s) of such a coop.
- (b) The use of any extension cords in and/or for the operation of coops shall be and is hereby prohibited.
- (c) A Village permit is not required for any electrical, lighting, or heating elements of a coop which are battery-powered.
- (10) Construction Materials: Coops and runs shall be constructed of uniform, weather-resistant material: ½ inch welded, galvanized hardware cloth (usually 19 gauge), or chicken wire, chain link, and/or rabbit wire and, except as noted in Subsection (C)(8) of this Section, shall be in compliance with all other applicable requirements for accessory buildings as set forth in this Village Code. Predator aprons are required on all coops and runs and ½ inch welded, galvanized hardware cloth, and not chicken wire, shall be used for this purpose.
- (11) Placement: Any coop or run hereafter constructed shall be in compliance with all front, rear and side yard setbacks as required by Title 10, "Zoning Regulations", of this Village Code and shall be set back a minimum of thirty (30) feet from any property line and a minimum of 75 feet from any residence on any adjacent property.
- (12) Screening: Screening materials must be installed and/or constructed so as to block adjacent neighbors' views of coops and runs.
- (13) Compliance Date: Except as otherwise expressly provided in Subsection (C)(11) hereof as to required setbacks for existing coops and runs, all chicken coops and runs existing as of the date of the adoption of this Section shall be brought into compliance with all applicable provisions of this Village Code, including the applicable Zoning Regulations

of the Village which are part of this Village Code, within one hundred eighty (180) days after adoption of this Section by the Corporate Authorities of the Village.

(14) Inspection(s) Required: All coops or runs shall be subject to inspection by any Village official, employee, or agent authorized by the Village President at any time to ensure compliance with the regulations in this Section, and in any event, as a condition of maintaining backyard chickens and the related chicken coop and chicken run in compliance with this Section, the owner(s) of the property shall secure an annual inspection by the Village to ensure compliance with this Section and the other applicable provisions of this Village Code.

~~'8-3-11:~~ **'8-3-11: PENALTIES:**

Any person violating this Chapter shall be fined as follows:

- (A) Not less than \$100.00 and not more than \$750.00 for a first offense;
- (B) Not less than \$250.00 and not more than \$750.00 for a second offense;
- (C) Not less than \$500.00 and not more than \$750.00 for a third offense;
- (D) Not less than \$750.00 for a fourth and each subsequent offense thereafter.

Each day on which a violation of this Chapter occurs or continues shall be considered a separate offense.

EXHIBIT C

CHAPTER 1
ADMINISTRATIVE PROVISIONS

CHAPTER 1
ADMINISTRATIVE PROVISIONS

Section

- 10-1-1 Short Title
- 10-1-2 Scope
- 10-1-3 Definitions
- 10-1-4 Reserved
- 10-1-5 Exceptions
- 10-1-6 Other Restrictions
- 10-1-7 Board of Appeals

* * * *

'10-1-3: DEFINITIONS:

For the purpose of this Title and future amendments thereto, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

ACCESSORY BUILDINGS OR OUTBUILDINGS AND USES: An accessory building or outbuilding is a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises. For example, and not by way of limitation, a garden is an accessory use in any Residential Zoning District or in the Farming Zoning District.

BASE FLOOD ELEVATION: The base flood elevation as defined in Chapter 6 of Title 5 of the Village Code, and specifically in Sections 5-6-3 and 5-6-4 thereof.

BASEMENT: A story having part but not less than one-half (1/2) of its height below grade. A basement shall not be counted as a story.

CHURCH: Any building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of public or private assemblies for religious services or for other purposes and associated accessory uses, other than municipal buildings.

DORMER: A roofed structure containing a vertical window and projecting out of a roof. All dormers shall not exceed twenty five percent (25%) of the length of the side of the building from which the dormers project, and the dormers shall each be separated from one another by a minimum of five feet (5') clear.

DWELLINGS OR RESIDENCES: Any building or portion thereof, but excluding a trailer, which is designed and used exclusively for residential purposes.

FAMILY: Excepting domestic employee, any number of persons related by blood or marriage, or not to exceed three (3) persons not so related, living together in a room or rooms comprising a single housekeeping unit shall be considered a family.

FENCE: Shall include any barrier, whether or not affixed to the ground, but the following structures shall not be construed to be fences:

- (A) Retaining walls of rock or other masonry construction.
- (B) Decorative screens not exceeding four feet (4') in height which are: 1) located at least twenty feet (20') from any lot line parallel and adjacent to a road, and 2) do not enclose an area, and 3) do not extend more than thirty feet (30') in total length, and 4) provided, however, that not more than one such decorative screen shall be located within a distance of two hundred feet (200') of another such decorative screen on the same zoning lot.
- (C) Enclosures for garden(s) which: 1) are located at least ten feet (10') from any lot line parallel and adjacent to a road, street, or other public right-of-way; 2) do not enclose an area exceeding four hundred (400') square feet; 3) do not exceed six feet (6') in height at the highest point from the existing ground level; 4) are not located on, over, or within any septic field or on, over, or within any Village or public utility easement; 5) with the exception of posts, are constructed entirely of chicken wire or deer fencing of plastic mesh or netting, which wire, mesh or netting shall be black, dark green, or dark brown in color, and shall be consistently open so as to permit viewing; and 6) do not consist of or include in whole or in part any chain link fencing, electric-charged fencing or wires, barbed wire, snow fencing, razor or concertina wire, corrugated metal, or picket or stockade wooden fencing.
- (D) Enclosures for pets or children which: 1) are located in rear yards only and attached to residences, and 2) do not exceed thirty feet (30') on any one side, and 3) do not enclose an area exceeding two hundred (200) square feet, and 4) do not exceed six feet (6') in height at the highest point, and 5) are constructed of materials of a decorative nature or, if constructed of wire, are screened from view by shrubbery to the full height of the enclosure, and 6) have covers constructed of an open type of material, if covers are desired, and 7) have no point closer than twenty feet (20') from any perimeter lot line; and 8) no such enclosure shall be allowed which impairs an adequate supply of light or air to adjacent property or alters the essential characteristics of the neighborhood.
- (E) Swimming pool enclosures as permitted by any Village ordinance regulating swimming pools, now in force or as hereafter adopted or as hereafter amended.
- (F) A fenced chicken run used for backyard chickens, the fenced enclosure of which does not exceed 300 square feet and which is in compliance with the regulations applicable to chicken runs and coops as set forth in Chapter 3 of Title 8, "Animal Control", and Title 10, "Zoning Regulations", of this Village Code.
- (F G) Any enclosure used as an accessory use in relationship to community waterworks in order to provide security for community waterworks, or to provide security for any portion thereof. Any enclosure used for such purpose shall be a permitted

accessory use in any zoning district in which community waterworks are a permitted use.

- (G H) Any structure specifically permitted by Paragraphs A, B, C, D, E, and/or ~~E~~ F above: (i) shall not obstruct any line of sight for vehicle(s) and/or for any pedestrian(s) on a public right-of-way; and (ii) shall be maintained in a safe and structurally sound condition, in good repair and in a neat and clean condition; and (iii) and shall not impair an adequate supply of light or air to adjacent property or alter the essential characteristic(s) of the neighborhood in which it is located.

FRONT YARD: A yard or open space extending the full width of a lot or parcel between any building or structure and the right-of-way line of any street which is designated and used as the street address of the lot or parcel by the U.S. postal service or by the Village.

GRADE: The elevation of the surface of the ground at a particular location on a lot or parcel.

GRADE, AVERAGE EXISTING: The average grade as calculated from the grade elevations at the four (4) points on a lot or parcel where an imaginary line parallel to the front and rear yard setback lines and touching the proposed structure intersects the required side yard setback lines. The four (4) corners shall be indicated on the engineering plans presented to the enforcing officer. For the purpose of determining the average existing grade, the grades shall be measured prior to any work on the lot or parcel related to the permit in question and without regard to any regrading or other changes in the topography of the lot or parcel done within the past twenty four (24) months prior to the date of the permit application, which regrading or other changes might otherwise affect the calculation of the average existing grade.

HEIGHT: The building height shall be the vertical distance measured from the average existing grade on a lot or parcel, to the ridge of the building roof or to the highest point of any other structure. The height of any building or other structure shall not exceed:

- (A) In the A-2 residential zoning district, twenty seven feet (27');
- (B) In all other zoning districts, two and one-half (2½) stories above a basement story, or thirty five feet (35') in height, whichever is lower;
- (C) Notwithstanding the foregoing restrictions, in any zoning district, antennas serving a single building may be up to sixty feet (60') in height; provided, however, all such antennas and supports shall be of metal or synthetic material and shall be permanently affixed to and mounted upon the main building on the premises;
- (D) Chimneys shall not exceed the building height by more than five feet (5').

HOME OCCUPATION: Any activity, including, but not limited to, a hobby or avocation, carried out for gain or support by a resident conducted as an incidental use in the resident's dwelling unit. The fact that a particular occupation or profession does not directly or indirectly impose a charge or receive a fee or other remuneration is not in itself determinative of whether that activity falls within the definition of "home occupation".

IMPERVIOUS SURFACE: Any hard surface or man-made surface or area, which surface or area does not readily absorb or retain water, including but not limited to any building roof, porch, gazebo, parking and/or driveway area, graveled area, sidewalk, animal enclosure, and/or recreation area.

LOT OF RECORD: A lot which as a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds or registered in the office of the Registrar of Titles or a parcel of land, the deed to which was so recorded or so registered prior to the date of the adoption hereof.

NONCONFORMING USE: A building or lot lawfully occupied by a use at the time of passage of the original zoning ordinance or any amendment thereto, which does not conform to the use regulations of the district in which it is situated as such use regulations are prescribed by the zoning ordinance and amendments thereto.

PROFESSIONAL OFFICE: Whether or not incidental to a residence or the occupation of a resident and including the offices of doctors or practitioners, ministers, architects, landscape architects, lawyers, authors, artists, musicians, and other professional occupations.

RECREATION AREA: Any impervious surface used for active or passive recreational purposes, including but not limited to any tennis court, basketball court, swimming pool, spa, hot tub, sport court, or skateboard ramp.

RENTAL PREMISES: All or part of a dwelling unit or related accessory structure being rented, offered for rent, or otherwise let to person(s) other than the owner(s) of the property in question.

RIDGE: The highest point on the ridge boards of a gable, hip, or gambrel roof; the highest point of the coping in case of a flat roof; and the highest point of the deck line in the case of a mansard roof.

SETBACK: The establishment of a minimum horizontal distance or "yard", as defined in this Title. Any required setback shall be measured from and as nearly as practical at right angles from the lot line, right-of-way line, or base flood elevation. Required setbacks shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in this Title.

SHORT-TERM RENTAL: The accessory use and/or occupancy for a period of less than three (3) months of a dwelling unit or related accessory structure pursuant to a written or oral agreement which permits and/or provides for occupancy of all or part of such structure by any person other than the owner(s) thereof, or an immediate family member of the owner(s) thereof, and whether or not the permission of such occupancy is in exchange for consideration therefor. Notwithstanding anything contained in this definition to the contrary, a short-term rental shall not include any of the following: (1) any occupancy of a

residence by an immediate family member or by a regular member of the household of the owner(s), (2) any occupancy by a "house-sitter" where all of the following conditions are applicable: such arrangement was or is initiated by the owner(s) of the residence for the purpose of maintaining the safety and security of the residence and/or to provide for the care of one or more pet(s) of the owner(s) while the owner(s) are out of town, and the owner(s) of the residence receive no rent or other compensation from the house sitter(s) other than such house sitting services, or (3) one or more than one consecutive lease extension(s) of any length immediately following any lease between the same parties where the original lease did not fall within the definition of a "short-term rental".

STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof and wall space not more than three feet (3') above the top floor level, and in which space not more than sixty percent (60%) of the floor area is finished off for use.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, that use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing: advertising signs, billboards, backstops for tennis courts, and pergolas; radio and TV antennas other than for home reception.

TRAILER: Any structure used for living, sleeping, business, or storage purposes, which is, has been, or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car.

YARD: An open area on a lot situated between a building or other structure and a designated line, such as a lot line, the right-of-way of a road or street, or the base flood elevation of a body of water. A required yard is based upon measuring the minimum setback as provided by this Title as nearly as practical at right angles from the lot line, right-of-way line, or the base flood elevation, as the case may be. Required yards shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in this Title.

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EXHIBIT D

CHAPTER 4
DISTRICTS ENUMERATED

CHAPTER 4
DISTRICTS ENUMERATED

Section

ARTICLE A: Residence Districts

10-4A-1 A-1 Districts
10-4A-2 A-2 Districts
10-4A-3 A-3 Districts
10-4A-4 A-4 Districts

ARTICLE B: Business Districts

10-4B-1 Business Districts

ARTICLE C: Farming Districts

10-4C-1 Farming Districts

ARTICLE D: Recreational Districts

10-4D-1 PR-1 Districts
10-4D-2 PR-2 Districts
10-4D-3 PR-3 Districts

ARTICLE E: Public Land District

10-4E-1 PL District

ARTICLE F: Interpretation

10-4F-1 Interpretation

ARTICLE A: RESIDENCE DISTRICTS

* * * * *

'10-4A-3: A-3 DISTRICTS:

In the A-3 Districts (Residence - 5 acres) the only uses which hereafter may be established are:

- (A) Single-family residences, excluding trailers and tents, each on a ~~building plot or lot or parcel~~ of not less than three hundred feet (300') in width at the established building line and five (5) acres in area, except as otherwise provided by this Chapter.
- (B) Churches.
- (C) Public and community parks excluding commercial enterprises, therein.
- (D) Community waterworks.
- (E) Public fire stations.
- (F) Backyard chickens as defined in and only if in compliance with Chapter 3 of Title 8 of this Village Code.

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'10-4A-4: A-4 DISTRICTS:

In the A-4 Districts (Residence - 2 acres) the only uses which hereafter may be established are those permitted in the A-3 Districts and, in addition, the following:

- (A) Single-family residences, excluding trailers and tents, each on a ~~building plot or lot or parcel~~ of not less than two hundred feet (200') in width at the established building line and two (2) acres in area, except as otherwise provided by this Chapter.
- (B) Backyard chickens as defined in and only if in compliance with Chapter 3 of Title 8 of this Village Code.

ARTICLE C. FARMING DISTRICTS

'10-4C-1: F DISTRICTS:

In the farming districts, the only uses which hereafter may be established are the following:

(A) Permitted Uses:

On a lot or ~~plot~~ parcel of not less than twenty (20) acres in area, the growing of usual farm products, such as vegetables, fruits, trees and grain and their storage, ~~and the raising of usual farm poultry and~~ livestock and other customary uses of agricultural land, and the keeping of backyard chickens as defined in and only if in compliance with Chapter 3 of Title 8 of this Village Code.

Single-family residences, excluding trailers and tents, each on a ~~building plot or lot or parcel~~ of not less than one hundred forty feet (140') in width at the established building line and forty thousand (40,000) square feet in area, except as otherwise provided by this Chapter.

(B) Special Uses:

- Personal wireless service facilities.
- Schools, whether public or private.

ARTICLE F: INTERPRETATION

'10-4F-1: INTERPRETATION:

Any use which is not specifically listed as a permitted use or special use in a Zoning District is prohibited in such Zoning District.

EXHIBIT E

CHAPTER 6
GENERAL REQUIREMENTS

CHAPTER 6
GENERAL REQUIREMENTS

**'10-6-8: INCIDENTAL USES; HOME OCCUPATIONS; OCCASIONAL SALES;
SHORT-TERM RENTALS:**

(A) Purpose: The purposes of this Section are as follows:

1. To establish certain regulations relative to the establishment and operation of certain incidental uses such as home occupations, occasional sales, and short-term rentals within the Village, but only on the condition that such uses are compatible with the residential districts in which they are proposed to be located; and
2. To protect and preserve the quiet enjoyment of residential properties and neighborhoods within the Village and to mitigate and/or eliminate adverse secondary effects the Village and its residents have experienced by reason of short term rental(s) of residential structure(s) within the Village, including but not limited to gatherings by attendees who have little connection to or consideration for Village neighborhoods or neighbors.

(B) Incidental Uses of Existing Residence:

Except as otherwise prohibited and/or restricted herein, use of an existing residence and structures incidental thereto is permitted but only on the condition that such use is located on the same lot or parcel upon which the residence and/or structure is located. However, such incidental uses and structures shall not be constructed, established, and/or operated on any property within the Village prior to the establishment or construction of the principal use. Any garages and or other accessory buildings in any residential A district must be attached to the residence in such a manner so as to be part of the dwelling unit, except playhouses and play equipment in conformity with Section 10-6-11 of this Chapter, in any residential A district must be attached to the residence and shall be considered part of the dwelling unit and except chicken coops and runs in conformity with Section 8-3-10 of this Code.

(C) Compliance:

Only such home occupations, occasional sales, and short-term rentals in compliance with the regulations contained in this Section shall be permitted as an incidental use in connection with any residence.

(D) Home Occupations Standards and Restrictions:

A home occupation shall be permitted as long as it is a use that is incidental to the primary use of the property in question as a residence and is established and operated in compliance with the standards of this Paragraph D. The following standards shall govern the operation of a home occupation:

1. In general, a home occupation is a permitted incidental use only if it is so located and conducted so that:
 - (a) It is unobtrusive, subordinate and incidental to the residential use of the subject property;
 - (b) It does not alter the residential character of the subject property;
 - (c) It remains compatible with other permitted uses and with the residential character of the subject property, of the neighborhood, and of the Village;
 - (d) It does not in any manner detract from the residential character of the subject property, of the neighborhood, or of the Village;
 - (e) It does not detract from the peace, quiet and tranquility of the neighborhood or of the Village; and
 - (f) The average neighbor, under normal circumstances, would not be aware of its existence.
2. A home occupation in compliance with this Paragraph D may be conducted within a dwelling unit in any zoning district in which dwelling units are permitted.
3. The residence in which a home occupation is located shall be fully subject to the regulations of the zoning district in which it is located.
4. A home occupation shall be conducted completely within the dwelling unit.
5. In general, only the permanent residents of the dwelling unit shall be employed in a home occupation, and no other persons shall be employed or involved with a home occupation activity on the premises other than members of the immediate family residing in the dwelling unit, and not more than one other person who is not a resident of the dwelling unit shall be employed on the premises in such home occupation.
6. A home occupation shall be subordinate and incidental to the principal use of the building or structure for residential purposes. Not more than fifteen percent (15%) of the gross floor area of the dwelling unit shall be devoted to the home occupation.
7. The outside display or storage of goods, articles, products, commodities, supplies, and/or materials, equipment, machinery and/or other items utilized in a home occupation is prohibited.
8. The delivery of goods, articles, products or commodities sold or offered for sale directly to the consumer from or at the premises is prohibited and, in any event, the sale of firearms by a dealer shall not be permitted as part of any home occupation. Delivery or distribution of goods, articles, products, commodities, supplies, and/or materials, equipment, machinery and/or other items utilized in a home occupation to or from the premises to or by independent contractors, employees, or others is also prohibited.
9. Daycare facilities which require a license from the Illinois Department of Children and Family Services shall not be permitted as a home occupation.

10. No mechanical or electrical equipment shall be installed or maintained in a home occupation which is not customarily incidental to domestic or household use, but this shall not prohibit the use of telephones, microcomputers and connected peripherals, facsimile machines, and/or photocopy machines.
11. Home occupations shall not in any event generate noise, vibration, glare, smoke, fumes, odors, particulate matter or electrical interference beyond that which normally occurs in the residential zoning district in which it is located, or otherwise constitute a nuisance or a fire or safety hazard to the occupants of nearby properties.
12. A home occupation shall cause no discharge of any odors, fluids, gases, particulate or solid waste or material into the air or water or onto the land or any septic system or storm drain, swale or sewer, other than those normally occurring in residential use.
13. A home occupation shall include no storage of any pollutant, toxic chemical, poison, accelerant, acid or any other chemical not normally found on the premises of a residence.
14. No exterior indication of a home occupation or variation from the residential character of the dwelling shall be permitted. No alteration of any dwelling shall be made in connection with a home occupation which changes the character of such dwelling as a residential structure.
15. There shall be no exterior display and no exterior signs related to any home occupation. There shall be no interior display or interior signs related to any home occupation which are visible from the exterior of the residence.
16. A home occupation shall not create any appreciable increase in vehicular or pedestrian traffic in the neighborhood or in the Village.
17. The conduct of any home occupation shall not:
 - (a) Obstruct or impede traffic;
 - (b) Interfere with ordinary street maintenance;
 - (c) Reduce or render unusable areas provided for required off street parking; or
 - (d) Prevent the ordinary number of cars intended to be parked in a garage from doing so.

(E) Occasional Sales Restricted:

1. General: As used herein "occasional sales" shall mean those sales of goods, wares and merchandise owned by the occupant of the premises or owned by a group of persons having a common sale generally known as garage sales, basement sales, house sales, estate sales, yard sales and/or rummage sales conducted on an infrequent and irregularly scheduled basis on premises zoned or used for residential purposes.

2. Time Limitation: It shall be unlawful for any person to conduct or to allow to be conducted, an occasional sale as defined herein on premises zoned or used for residential purposes, over a period of time in excess of two (2) days or to conduct more than one such occasional sale on the same premises, by the same household, within any six (6) month period. It is further provided that no occasional sale as defined herein shall begin before nine o'clock (9:00) A.M. nor continue later than six o'clock (6:00) P.M. Signs for any such occasional sale shall comply with Chapter 7 of this Title.
3. Display of Merchandise: It shall be unlawful for any person to display for sale any goods, wares or merchandise under the provisions of this Paragraph E beyond the property lines of his or her lot, or on their own lot on a continuing basis.

(F) Short-Term Rental Restricted:

1. Except as otherwise provided herein, leasing, renting, offering or inviting the leasing or renting, or otherwise permitting the short-term rental and/or occupancy of any dwelling unit and/or accessory structure located within the Village for less than three (3) months at a time shall be prohibited, with the exception of a hotel or similar establishment duly licensed by the Village, and such conduct shall be prohibited, whether engaged in or participated in by the owner(s) of the property, one or more agent(s) of the property owner(s), and/or by any person(s) leasing, or seeking to lease as a lessor(s), or renting or seeking to rent as a lessee(s) and/or otherwise occupy a premises as tenant(s) and/or as temporary occupant(s) thereof.
2. The restrictions of this Paragraph F shall be applicable whether the rental premises comprise(s) all or a part of the principal structure, or all or part of any accessory structure.
3. Whether or not consideration is exchanged for the lease and/or rental of a premises shall not in and of itself be determinative as to whether an occupancy is a short-term rental for the purposes of this Paragraph F if the definition thereof is otherwise applicable to such activity.
4. The property owner(s) shall remain jointly and severally responsible for compliance with all applicable provisions of these Zoning Regulations and the Village of Tower Lakes Village Code during the term of any rental and/or occupancy agreement during the term of any occupancy of the rental premises by any person(s) other than the property owner(s).
5. No temporary or accessory structure shall be permitted to be used for any short-term rental.
6. The restriction on short-term rentals as herein provided shall not apply when the immediately preceding owner(s) of a property maintains possession of the dwelling unit after closing on a real estate transaction for the sale thereof and leases said property back from the successor owner for a period of time pursuant to a written agreement.

7. Each day a principal structure or any accessory structure in the Village is offered for rent as a short-term rental, is leased or rental as a short-term rental, and/or each day a principal structure or any accessory structure is occupied as a short-term rental, as that term is defined herein, shall constitute a separate violation of this Paragraph F.
8. Notwithstanding any of the provisions of this Paragraph F to the contrary, this Paragraph F shall not be applicable to any short-term rental agreement entered into between the owner(s) of property in question and lessee(s) which was entered into and executed before June 20, 2017 where the intended period of occupancy relative to any residence within the Village is on or before December 1, 2017.