

**VILLAGE OF VERNON HILLS  
ORDINANCE 2025-112**

**AN ORDINANCE AMENDING APPENDIX B, DEVELOPMENT REGULATIONS, OF  
THE VILLAGE CODE, APPENDIX I, PROJECT DOCUMENTS, RELATED TO  
PERFORMANCE GUARANTEES**

**WHEREAS**, the Village of Vernon Hills is a home rule unit of local government pursuant to Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each Illinois municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fees or penalties as may be deemed proper; and

**WHEREAS**, the performance guarantee requirements in the Development Ordinance are based on the total cost of site work without consideration of whether certain improvements have little public benefit; and

**WHEREAS**, Staff recommends that the performance guarantee amount be revised to more clearly relate to the costs of public improvements, quasi-public improvements, and potential restoration; and

**WHEREAS**, the Board of Trustees discussed Staff's recommendation and reviewed the proposed code amendments at its meeting on September 16, 2025, and concurred that the amendments are appropriate.

**WHEREAS**, the President and Board of Trustees has determined that the requested amendments are in the best interest of the Village of Vernon Hills and hereby adopts this ordinance amending the Vernon Hills Village Code pursuant to its authority to establish reasonable regulations pertaining to the use of land and establish license and permitting requirements.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:**

**SECTION 1.** The above recitals are hereby incorporated into and made part of this Ordinance.

**SECTION 2. AMENDMENT.** Appendix B, Development Regulations, Appendix I, Project Documents, is hereby amended as follows:

**D. Final planning stage documentation.**

- 1. *General.* The purpose of final planning stage documentation is to fix agreed-upon planning and design solutions, to record the necessary documents, and to ensure that the village, its employees, staff, and consultants are protected in the event the applicant fails to perform the work of the project properly.
- 2. *Required documents.* The applicant shall deliver copies of the following documents listed below to the building commissioner. The applicant shall provide the original copies of all documents to be recorded. **The quantity of documents and method of delivery shall be as specified by Village staff during the preliminary planning stage. Final plats and plans shall be signed/sealed by the appropriate design professional. Copies of all outside agency permits necessary for issuance of the Village permit shall be provided with the submittal.**
  - a. **Final Plat of Subdivision (including separate plats if needed for easements, dedications, or vacations)**
  - b. **Final Plans (civil engineering drawings as required in the preliminary planning stage). Must include all specification sheets for the scope of work.**
  - c. **Supporting plans, such as storm water protection plans, and/or environmental management / stewardship plans.**

*Final Plat of Subdivision  
(15 copies plus originals)*

The final plat of subdivision is the last revision of the preliminary plat of subdivision, to be recorded by the village with the Lake County recorder.

- a. The word "FINAL" shall be boldly lettered in the lower right margin of each sheet.
- b. All certificates except those for village personnel shall be fully executed.
- e. The final plat of subdivision shall be signed and sealed by a surveyor or a surveying firm licensed to practice in the State of Illinois.

*Final Plans (15 copies)*

The final plans are the last revision of the preliminary plans prior to the construction phase of the project. The final plans shall be well detailed based on careful fieldwork and detailed surveys.

- a. The word "FINAL" shall be boldly lettered in the lower right margin of each sheet.
- b. The final plans shall be signed and sealed by an engineer or an engineering firm and by other professionals as appropriate, all licensed to practice in the State of Illinois.

*Specifications and Special Provisions  
(15 copies)*

The specifications and special provisions shall complement the final plans.

- a. The specifications and special provisions shall address every improvement planned in the development in a manner satisfactory to the village engineer.
- b. The specifications and special provisions shall include a detailed engineer's estimate of the cost of construction attached.
- e. The specifications and special provisions shall be printed on 8½ inch by 11 inch paper and shall be securely bound along either the top edge or along the left edge.

*Other Documents (six copies each)*

The applicant shall provide the following additional documents, if applicable, at this time:

- a. Lake County Highway Department permit(s).

- b. ~~Lake County Public Works Department permit(s) and bond(s).~~
- e. ~~IDOT permit(s) and bond(s).~~
- d. ~~IEPA permit(s).~~
- e. ~~Other permits as required by other agencies.~~
- f. ~~Final environmental management plan.~~
- g. ~~A properly executed sworn statement and agreement listing the improvements the applicant intends to construct at his/her own cost, the time of completion of the project, and the method of payment for the improvements, to include:
 
  - (i) ~~A signature and attest line for the village board approval of this document.~~
  - (ii) ~~A provision guaranteeing that the improvements will be constructed according to the village-approved plans and specifications and to the village ordinances.~~
  - (iii) ~~A provision affirming that all bonds, guarantees, deposits, etc., required under this development ordinance have been furnished to the village.~~
  - (iv) ~~A provision to the effect that the applicant shall be responsible to pay all costs, including but not limited to, attorney's fees and engineer's fees incurred in the event the village must enforce the provisions of this development ordinance during the life of the project.~~
  - (v) ~~Evidence of insurance covering their employees, the Village of Vernon Hills, the village engineer, and the village attorney, including their staff, officials, employees, etc., with rated companies, in amounts satisfactory to the village attorney. Insurance covering the village, the village engineer, and the village attorney as "additionally insured" parties shall not be modified by riders that reduce the protection provided the village, the village engineers, and the village attorney to less than that afforded the applicant and his/her employees.~~
  - (vi) ~~A clause relieving the village, its officers, employees, and consultants of any liability arising from the design or construction of the project—the village attorney must fully approve the wording of this clause.~~~~

h. ~~—~~

3. **Performance Guarantee.** A fully executed performance guarantee in the amount to be determined by the Village Engineer, utilizing the Engineer's Estimate of Probable Construction Costs, equal to 100 percent of the cost of the public improvements, quasi-public improvements, and landscaping shown on the final plans, plus adequate funds to restore the subject site with topsoil and seed if the project is not completed. ~~of 110 percent of the total construction costs based on the amount of signed contracts for all work to be done or, if no contracts are available, 110 percent of the approved engineer's estimate. Signed contracts and, at the conclusion of the project, final waivers and sworn statements must subsequently be submitted and the construction cost will be adjusted accordingly.~~ Such guarantee is subject to the approval of the Building Commissioner and Village Engineer ~~of the village attorney~~ and shall be in ~~one of the following forms~~ **the form of a Performance Bond (Exhibit 1 below) or an Irrevocable Letter of Credit (Exhibit 2 below)** as may be chosen by the developer. :

- (i) ~~Irrevocable letter of credit for the benefit of the village as set out in Exhibit 2;~~
- (ii) ~~Cash with escrow agreement satisfactory to the village attorney and to the village board of trustees.~~
- (iii) ~~Performance bond from an insurance company that is deemed satisfactory to the Village of Vernon Hills, and in such form as is deemed satisfactory to the Village of Vernon Hills.~~
- (iv) ~~Reserved.~~
- (v) ~~—~~

The village clerk ~~and the village engineer~~ shall each maintain the performance guarantee documentation on file and shall notify the village board no less than one month prior to any expiration dates or similar deadlines that may appear in the guarantee documentation.

~~(vi) Reserved.~~

~~(vii) —~~

The village engineer shall review the detailed engineer's estimate of the cost of construction to verify that it is a reasonable estimate **prior to confirming the amount for the performance guarantee.**

~~{i}~~ 4. Parking lot performance guarantees.

1. *Definitions.*

- a. *Parking lot—Private.* A parking lot of a business, constructed and maintained by nonpublic funds, the primary use of which is parking for employees of that business.
- b. *Parking lot—Semi-public.* A parking lot of a business, constructed and maintained by non-public funds, the primary use of which is to accommodate the general public who may use the lot as patients, customers, clients, guests, tenants, etc.
- c. *Parking lot—Public.* Any parking lot constructed or maintained with public funds.

2. *Parking lot—Private.*

- a. A performance guarantee in the amount of 50 percent of the total construction cost of the parking lot in a form as provided for in this ordinance shall be submitted to the village engineer prior to issuance of a building permit.
- b. No maintenance guarantee need be provided for parking lots conforming to the completion standards of this ordinance. Parking lots failing to conform to these standards shall post a maintenance guarantee as determined by the village engineer not to exceed 10 percent of the total construction cost of the parking lot and not to exceed two years.

3. *Parking Lot—Semi-public.* A performance guarantee in the amount of 100 percent of the total construction cost of the parking lot in a form as provided for in this ordinance shall be submitted to the village engineer prior to issuance of a building permit. Upon recommendation by the village engineer that the parking lot has been completed and conforms to the standards set forth in this ordinance the performance guarantee may be rescinded and replaced by a maintenance guarantee. The maintenance guarantee shall be in a form provided for by this ordinance, in an amount equal to 10 percent of the performance guarantee and shall remain in effect for two years.

## **E. Construction stage documentation.**

1. *General.* The purpose of construction stage documentation is to monitor and record construction progress and to address problems that arise during the course of construction.
2. *Required documents.*

### *Revised Plans*

Revised plans reflect changes to the final plans that arise because of difficulties encountered during construction or because errors are discovered.

- a. The revision date shall be clearly shown near the date of the final plans.
- b. The revised plans shall be accompanied by support documentation consisting of the applicant's request for a change in the final plans, the reasons for the requested change, the change in estimated cost of construction, and the written comments of the village engineer or other village personnel or officials who may have become involved.

### *Contract Documents*

A certified copy of the signed contract documents including itemized contract amounts shall be furnished to the village clerk and to the village engineer. Likewise, if bids are taken to choose a contractor, an itemized bid tabulation sheet shall be furnished.

### *Contractor's Insurance*

The general contractor shall furnish evidence of insurance conforming to that described in section D.

### *Performance Guarantee Reduction*

All requests for reduction in amounts for performance guarantee shall be in writing and shall be filed with the village clerk with a copy to the village engineer. Such requests shall include an itemized list of the work fully completed to date and an itemized list of the work yet to be completed.

### *Maintenance Warranty*

The developer shall provide a two-year (minimum) maintenance warranty for all public and semi-public improvements after they are fully completed and before their acceptance by the Village. The warranty period for a public or semi-public improvement shall begin on the day the **Village Board authorizes the reduction of the performance guarantee, and may expire two years after the final inspection date. The amount of the performance guarantee during the maintenance period shall be 10% of the original performance guarantee.** ~~the public or semi-public improvement is accepted by the village as evidenced by the village release of a portion of the performance guarantee equal to 110 percent of the final construction cost of the approved improvement. Note that the remaining 10 percent of the performance guarantee shall be retained until the end of the warranty period.~~

The Village may require that an extended warranty be provided because of factors arising during construction or because of ordinances exceptions granted.

### *As-built Plans*

The developer shall provide a reproducible set of plans revised to accurately show the planned improvements as they were actually constructed, to include overflow storm runoff routes and elevations, including contours, as remeasured. See appendix II. Engineering Specifications, section P for as-built record drawing requirements.

**SECTION 3. SEVERABILITY.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION 4. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

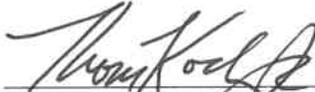
**SECTION 6. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2025-112.

Adopted by roll call vote as follows:

AYES: 7 – Marquardt, Oppenheim, Takaoka, Forster, Schenk, Lundeen, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None

  
Thom Koch, Jr. Village President

PASSED: 09/16/2025

APPROVED: 09/16/2025

ATTEST: 09/16/2025

  
Kevin Timony, Village Clerk



VILLAGE OF VERNON HILLS

ORDINANCE NO. 2025-112

AN ORDINANCE AMENDING APPENDIX B, DEVELOPMENT REGULATIONS, OF THE  
VILLAGE CODE, APPENDIX I, PROJECT DOCUMENTS, RELATED TO PERFORMANCE  
GUARANTEES

THE 16<sup>th</sup> AY OF SEPTEMBER 2025

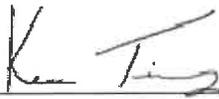
Published in pamphlet form by the Authority of the  
President and Board of Trustees of the Village of  
Vernon Hills, Lake County, Illinois, this  
16<sup>th</sup> day of September, 2025



AFFIDAVIT OF SERVICE

STATE OF ILLINOIS     )  
  )  
COUNTY OF LAKE        )

I, KEVIN TIMONY, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE NO. 2025-112 AN ORDINANCE AMENDING APPENDIX B, DEVELOPMENT REGULATIONS, OF THE VILLAGE CODE, APPENDIX I, PROJECT DOCUMENTS, RELATED TO PERFORMANCE GUARANTEES TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM SEPTEMBER 16, 2025 TO SEPTEMBER 30, 2025.

  
\_\_\_\_\_  
Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2025

  
\_\_\_\_\_  
Notary Public

