

**VILLAGE OF VERNON HILLS
ORDINANCE 2023-062**

AN ORDINANCE AMENDING CHAPTER 13, NUISANCES, RELATED TO FAILURE TO MAINTAIN THE PARKWAY AREA ADJACENT TO PRIVATE PROPERTY

WHEREAS, the Village of Vernon Hills is a municipal corporation existing under the laws of the State of Illinois, and

WHEREAS, the Staff of the Community Development Department and Public Works Departments observed that the regulations pertaining to the obligation of private property owners to maintain the adjacent parkway area were not clear; and

WHEREAS, Staff prepared a draft ordinance amending Chapter 13, Nuisances, and Chapter 20, Streets, Sidewalks, and Other Public Places to establish a clear obligation to maintain the parkway and define the failure to do so as a property maintenance violation; and

WHEREAS, the Committee of the Whole discussed the Staff recommendation at its meeting on May 16, 2023 and directed Staff to prepare an Ordinance amending the code as described herein, and as illustrated in context in Exhibit A; and

WHEREAS, the amendments described in this Ordinance are related to the proposed amendment to Chapter 20, Streets, Sidewalks, and Other Public Places, which establish a clear obligation to maintain the parkway; and

WHEREAS, the President and Board of Trustees, having determined that the requested amendment is 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 public and private property standards within the Village of Vernon Hills.

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 I. The above recitals are hereby incorporated into and made part of this Ordinance.

SECTION II Chapter 13, Nuisances, Section 13-2, Illustrative Enumeration, of the Village of Vernon Hills Code of Ordinances, is hereby amended as follows:

(14) ~~Open land areas.~~ **Maintenance of undeveloped land and adjacent parkways.**

- a. To fail to maintain **an undeveloped property, open areas abutting including the portions of the parkway (as defined in Section 3.05 of the Development Ordinance)** ~~public parkways or rights-of-way or public~~

~~easements, including, but not limited to, road and street rights-of-way, as fall within **abutting** said the property boundary lines of such owners or persons in control of property, so as to permit the accumulation of trash or debris thereon, or so as to fail to mow grass or control other plant growth contrary to the provisions of chapter 5, article IX of this Code of Ordinances.~~

b. Reserved.

(15) Maintenance of developed land and adjacent parkways.

~~In any parcel of developed land improved with any building, parking lot or other permanent or temporary accessory improvement, to fail to maintain the parcel in good order, **including the portions parkway (as defined in Section 3.05 of the Development Ordinance)** .and to mow all ground cover in accordance with chapter 5, article IX of this Code of Ordinances. However, this section shall not apply to the maintenance of grasses and plantings authorized by the board of trustees as part of an approved landscape plan.~~

- a. **Vegetation shall be maintained in compliance with the Property Maintenance Code (Chapter 5 Article IX). This is not intended to apply to grasses or plantings authorized by the Board of Trustees as part of an approved landscape plan.**
- b. **Driveway entrances / aprons shall be maintained in compliance with the Development Ordinance (Appendix B, Development Regulations, Appendix II, Engineering Specifications).**

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

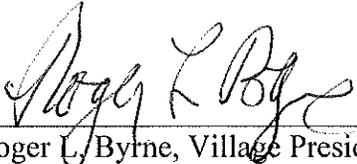
SECTION VI. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2023-062.

Adopted by roll call vote as follows:

AYES: 6 – Oppenheim, Schenk, Forster, Marquardt, Koch, Byrne

NAYS: 0 – None

ABSENT AND NOT VOTING: 1 – Takaoka



Roger L. Byrne, Village President

PASSED: 06/06/2023

APPROVED: 06/06/2023

ATTEST: 06/06/2023



Kevin Timony, Village Clerk



EXHIBIT A

Proposed Amendment to Chapter 13, Nuisances,
As shown in context

Sec. 13-2. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds.
 - a. Defined. Noxious weeds are defined as Canada thistle (*Cirsium arvense*) and all its varieties, perennial sow thistle (*Sonchus arvensis*), European bindweed (*Convolvulus arvensis*), leafy spurge (*Tithymalus esula*), Russian knapweed (*Centaurea repens*), hoary cress (*Lepidium draba*), ragweed (*Ambrosia*), dandelion weed, jimsonweed, burdock, cocklebur or any weed designated as noxious by the state department of agriculture.
 - b. Remedy of nuisance. It shall be the duty of all owners or occupants of land on which noxious weeds are found growing to either cut, pull, destroy or spray with a broadleaf weed killer, as approved by the state department of health (in such a mixture and manner so as not to sterilize the land on which the weeds are located, and so as not to promote or cause soil erosion).
- (2) Accumulation of rubbish, trash, junk and other abandoned materials, metals, lumber or other things.
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (4) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (5) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (6) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (7) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (8) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (9) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (10) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (11) For any person to keep, operate, maintain or to permit to remain upon any premises owned, used, leased, occupied or controlled by him or them, any dangerous building as hereinafter defined. A dangerous building is hereby defined for the purposes of this section to be any building or structure which shall have any one or more of the following defects:
 - a. Those whose interior walls or vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 - b. Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members or 50 percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
 - c. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

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- d. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the village.
 - e. Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to health, morals, safety or general welfare of those living therein.
 - f. Those having light, ventilation and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
 - g. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators or fire escapes, as provided by the building code of the village now or hereinafter in effect.
 - h. Those which are liable to collapse or fall or parts of which are so attached that a part may fall and cause injury to persons or property.
 - i. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this village.
 - j. Those buildings constructed, reconstructed or altered in violation of any provision of the building, mechanical, plumbing or electrical code or any other ordinance of this village.
- (12) Any building, concrete base, or other structural opening on land which is not completed but remains open and uncovered for a period of ten days.
- (13) Incomplete construction. Any foundation or similar structure incomplete and open and unused for a period of 30 days or more, unless such foundation shall be covered or filled in and all exposed pipes capped; provided, however, that the building commissioner, as enforcement officer, or such other person or persons as shall be from time to time designated by the corporate authorities as the enforcing authority hereunder, may defer enforcement of this provision temporarily, for reasons of acts of war, acts of God, natural or manmade disasters beyond the control of the owner or controlling party, until such acts or disasters shall have abated, when in the discretion of the enforcement official such deferral of enforcement shall not of itself result in increased danger to the public health, safety and welfare.
- (14) **Open land areas. Maintenance of undeveloped land and adjacent parkways.**
- a. To fail to maintain an undeveloped property, open areas abutting including the portions of the parkway (as defined in Section 3.05 of the Development Ordinance) public parkways or rights-of-way or public easements, including, but not limited to, road and street rights-of-way, as fall within abutting said the property boundary lines of such owners or persons in control of property, so as to permit the accumulation of trash or debris thereon, or so as to fail to mow grass or control other plant growth contrary to the provisions of chapter 5, article IX of this Code of Ordinances.
 - b. Reserved.
- (15) **Maintenance of developed land and adjacent parkways.**
- In any parcel of developed land improved with any building, parking lot or other permanent or temporary accessory improvement, to fail to maintain the parcel in good order, including the portions parkway (as defined in Section 3.05 of the Development Ordinance) .and to mow all ground cover in accordance with chapter 5, article IX of this Code of Ordinances. However, this section shall not apply

to the maintenance of grasses and plantings authorized by the board of trustees as part of an approved landscape plan.

- a. Vegetation shall be maintained in compliance with the Property Maintenance Code (Chapter 5 Article IX). This is not intended to apply to grasses or plantings authorized by the Board of Trustees as part of an approved landscape plan.
 - b. Driveway entrances / aprons shall be maintained in compliance with the Development Ordinance (Appendix B, Development Regulations, Appendix II, Engineering Specifications).
- (16) This does not include mailboxes erected in accordance with United States postal regulations, public and utility company equipment, poles, streetlights and street signs.
 - (17) Projection of a mailbox beyond any curb into any public or private street or highway.
 - (18) Any inoperable motor vehicle, whether on public or private property, except motor vehicles kept within a building when not in use, historic vehicles over 25 years of age, or motor vehicles rendered temporarily incapable of being driven under their own motor power in order to perform ordinary service or repair operations. As used in this section "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 30 days, the engine, wheels, license or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being legally driven or of being driven under its own motor power.
 - (19) The use of any outdoor mechanical or electronic recreational equipment including, but not limited to, batting machines, pitching machines, golf machines, and tennis machines outside the hours of 7:00 a.m. to 9:00 p.m. daily, is hereby prohibited.
 - (20) The use of any structure or equipment, in the rear yard, erected for recreational purposes such as trampolines, batting cages, sport courts, and practice nets utilized for the purpose of hitting, throwing, batting, or kicking any type of ball, disc, puck, or object into, over, or under a net, mat, or goal outside the hours of 7:00 a.m. to 9:00 p.m. daily is hereby prohibited.
 - (21) Exterior lighting fixtures serving detached, single-family residential property shall be controlled to minimize the spillover of light onto adjacent properties. All exterior area (non-decorative) lighting shall be aimed below the horizontal plane except for non-directional residential lighting such as porch, driveway and walkway lights.

No exterior area lighting fixture shall be mounted more than 15 feet above the adjacent grade and shall be aimed and shielded in such a manner so to prevent glare from normal viewing angles on adjacent residential property.

The intensity of illumination projected onto a residential property from an adjacent property shall not exceed 0.2 vertical foot candle, when measured at 36 inches above the ground at the property line.

(Code 1982, § 13-2; Ord. No. 719, § 1, 8-1-89; Ord. No. 2003-23, §§ I—III, 4-15-03; Ord. No. 2006-58, §§ I—III, 9-19-06)

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2023-062

AN ORDINANCE AMENDING CHAPTER 13, NUISANCES, RELATED TO FAILURE TO
MAINTAIN THE PARKWAY AREA ADJACENT TO PRIVATE PROPERTY

THE 6th DAY OF JUNE 2023

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this
6th day of June, 2023

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

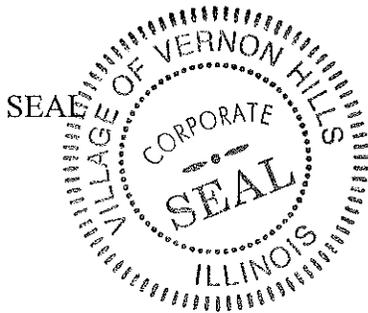
I, KEVIN TIMONY, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON JUNE 6, 2023, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE NO. 2023-062 AN ORDINANCE AMENDING CHAPTER 13, NUISANCES, RELATED TO FAILURE TO MAINTAIN THE PARKWAY AREA ADJACENT TO PRIVATE PROPERTY.

THE PAMPHLET FOR ORDINANCE NO. 2023-062 INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF, WAS PREPARED, AND A COPY DATED JUNE 6, 2023 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 6TH DAY OF JUNE 2023.



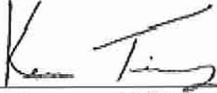
Kevin Timony, Village Clerk



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. 2023-062 AN ORDINANCE AMENDING CHAPTER 13, NUISANCES, RELATED TO FAILURE TO MAINTAIN THE PARKWAY AREA ADJACENT TO PRIVATE PROPERTY TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM JUNE 6, 2023 TO JUNE 16, 2023.



Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 6th DAY OF JUNE 2023



Notary Public

