

**VILLAGE OF VERNON HILLS
ORDINANCE 2023-063**

**AN ORDINANCE AMENDING CHAPTER 20, STREETS, SIDEWALKS, AND OTHER
PUBLIC PLACES, RELATING TO THE OBLIGATION 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 13, Nuisances, which defined the failure to maintain the parkway area as a property maintenance violation; 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 20, Streets, Sidewalks, and Other Public Places, of the Village of Vernon Hills Code of Ordinances, is hereby amended to insert Section 20-4, Duty to Maintain Parkway Area and Driveway Entrances, to read as follows:

Sec. 20-4. Duty to maintain parkway area and driveway entrances

It shall be the duty of the owners of property to maintain the parkway adjacent to their property. The parkway, as defined in Section 3.05 of the Development Ordinance, is the

area between the edge of a roadway and the public sidewalk or the area between the edge of a roadway and the right-of-way line or access easement line where there is no sidewalk. This duty shall include the parkway vegetation and driveway entrances / aprons. Failure to maintain the portion of the public rights-of-way or public access easements as described herein shall constitute a nuisance per Chapter 13, Nuisances.

- a. Parkway vegetation shall be maintained in compliance with the Property Maintenance Code (Chapter 5 Article IX)
- b. Driveway entrances / aprons shall be maintained in compliance with the Development Ordinance (Appendix B, Development Regulations, Appendix II, Engineering Specifications). Service walks or carriage walks, when present, shall also be maintained in compliance with the Development Ordinance.

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.

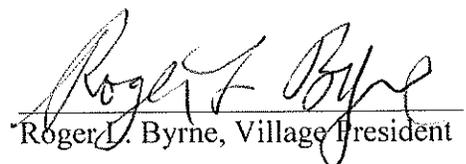
SECTION VI. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2023-063.

Adopted by roll call vote as follows:

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

NAYS: 0 – None

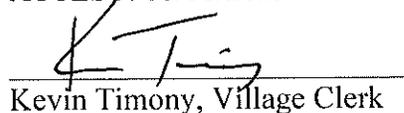
ABSENT AND NOT VOTING: 1 – Takaoka


Roger L. Byrne, Village President

PASSED: 06/06/2023

APPROVED: 06/06/2023

ATTEST: 06/06/2023


Kevin Timony, Village Clerk

Ordinance 2023-063

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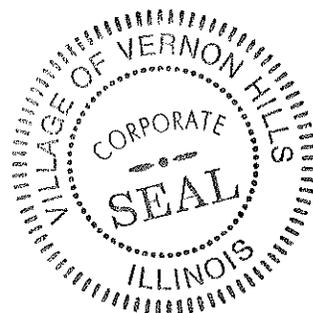


EXHIBIT A

Proposed Amendment to Chapter 20, Streets, Sidewalks and Other Public Places
As shown in context

ARTICLE I. IN GENERAL

Sec. 20-1. Reserved.

Editor's note(s)—Ord. No. 94-38, § I, adopted May 3, 1994, renumbered former § 20-1, which pertained to driveways for single-family residences, as App. B, Art. I, App. II, § N.4.p.

Sec. 20-2. Ordinances for recapture of cost of certain public improvements.

(a) Whenever the village:

- (1) Requests or requires the installation of water main, sanitary sewers, storm sewers, drains, streets, curbs, sidewalks or similar improvements or other similar improvements and appurtenant facilities as a condition precedent to the acceptance of a final plat of subdivision, or the approval of an application for a special permit or variation; and
- (2) Determines that, in the opinion of the board of trustees of the village, such facilities may be used for the benefit of property not in the subdivision or in the development for which the special permit or variation has been granted, and the water main, sanitary sewers, storm sewers, drains, streets, curbs, sidewalks or similar improvements are to be dedicated to the public;

the board of trustees may adopt an ordinance providing for the recapture of a portion of the cost of such facilities from fees charged to owners of property not within such subdivision nor within the property which is the subject of such special permit or variation, when and as collected from the owners thereof.

(b) Such ordinance shall be in substantially the following form:

*An Ordinance Providing for the Recapture
of Part of the Cost of Certain Public
Improvements in the
Village of Vernon Hills,
Lake County, Illinois*

WHEREAS, _____, an Illinois corporation, hereinafter referred to as "Developer," has installed or proposes to install

; and,

WHEREAS, the Village of Vernon Hills, Lake County, Illinois, hereinafter referred to as "Village" and

, hereinafter referred to as "Developer," have agreed that, inasmuch as the , when constructed, would benefit neighboring properties not owned by the Developer, the Developer should recover a proportionate amount of the cost of such construction from the benefitted owners, and

WHEREAS, the Developer's properties to be benefitted (Parcel A) are legally described as follows:

WHEREAS, the nonowned neighboring properties to be benefitted (Parcel B) are legally described as follows:

WHEREAS, it has been estimated that the amount to be recaptured for the cost of such construction is as follows:

Item	Unit Cost	Amount
Total labor and material cost		\$
Less portion not recapturable		\$
Recapturable labor and material cost		\$
Engineering (2.5%)		\$
Review and inspection (3.5%)		\$
Collection fee (5%)		\$
TOTAL RECAPTURABLE COST		\$

WHEREAS, it has been agreed that the amount to be recaptured shall be proportioned to the nonowned benefitted properties on an _____ basis and that payments will be made based on the formula of \$_____ per acre (or _____ per square foot) (or \$_____ per dwelling unit); and

WHEREAS, the Village and Developer have agreed that payments shall be made in accordance with the respective proportional share based on the actual costs of the project which shall be submitted to the Village upon completion and approved by the Village Engineer.

Now Therefore, Be it Ordained by the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois:

Section I. No person, firm or corporation as owner of, or party interested in, or any contractor, agent or other representatives of such owners or party interested in the property legally described above as Parcel B, or any part thereof shall connect to or tap on to the improvement described without having first obtained a permit from the Village. No permit shall be issued unless the applicant shall pay the proportionate share of the total recapturable cost of \$_____, computed on the basis of \$_____ per _____, (acre, dwelling unit, or square foot) plus interest at the rate of 6% per annum computed from the date of final acceptance by the Village of the proposed construction for a period not to exceed five years. The fee shall be paid in one lump sum by the applicant.

The single charge shall be in addition to the then current charges for water tap on fees including, but not by way of limitation, and the customary meter and the water service charges made pursuant to the water rate ordinance as it now exists and as amended from time to time.

Section II. All monies collected from the applicant for such permit shall be remitted to the Village of Vernon Hills. Five percent of all monies collected shall be retained by the village as the cost of collection.

Section III. Any person, firm or corporation being the owners or a party interested in the property described above as Parcel B, or any part thereof, or any contractor, agent or representative of such person, firm, or corporation making any connection with the above improvements without first making application therefor and paying the amount required shall be subject to a fine of not less than \$50.00 nor more than \$500.00 upon conviction thereof, and the Village shall have the right to enter on the property without notice or permission and remove all such connections so made.

Section IV. The improvement described hereinabove shall be a public improvement and title thereto shall be vested in the Village. Nothing herein contained shall vest any proprietary rights in said improvement in any other entity, person, firm or corporation.

Section V. 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, the parts shall remain in effect and all valid applications that are severable from the invalid applications shall remain in effect.

Section VI. Repeal and savings clause. All ordinances in conflict herewith or 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 VII. Effective date. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

(Code 1982, § 20-2)

Sec. 20-3. Encroachment or obstruction of public property.

No person shall cause, create or make an encroachment or obstruction including the placement of boulders, posts, signs, or structures deemed inappropriate by the director of public works upon the public streets or municipal property within the village.

(Ord. No. 93-43, § IV, 7-6-93)

Secs. 20-4—20-30. Reserved.

Sec. 20-4. Duty to maintain parkway area and driveway entrances

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VILLAGE OF VERNON HILLS

ORDINANCE NO. 2023-063

AN ORDINANCE AMENDING CHAPTER 20, STREETS, SIDEWALKS, AND OTHER
PUBLIC PLACES, RELATING TO THE OBLIGATION 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

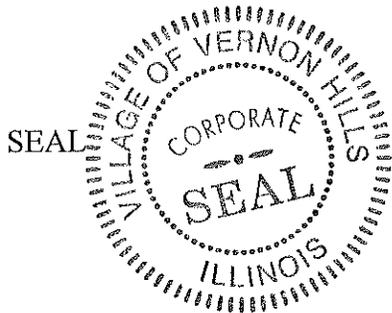
I, KEVIN TIMONY, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON JUNE 6, 2023, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE NO. 2023-063 AN ORDINANCE AMENDING CHAPTER 20, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, RELATING TO THE OBLIGATION TO MAINTAIN THE PARKWAY AREA ADJACENT TO PRIVATE PROPERTY.

THE PAMPHLET FOR ORDINANCE NO. 2023-063 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.



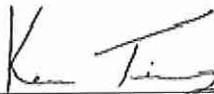
Kevin Timony, Village Clerk



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. 2023-063 AN ORDINANCE AMENDING CHAPTER 20, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, RELATING TO THE OBLIGATION 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

