

ORDINANCE NUMBER 2020- 05

**TEXT AMENDMENTS TO SECTIONS 12 AND 13 OF THE KENDALL COUNTY ZONING  
ORDINANCE PERTAINING TO CODE ENFORCEMENT (CITATION AUTHORITY),  
HEARING OFFICER, AND FINES**

*WHEREAS*, 55 ILCS 5/5-1113 and 55 ILCS 5/5-12017 grant counties the authority to pass regulations and impose fines for enforcement of various ordinances including zoning ordinances; and

*WHEREAS*, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

*WHEREAS*, on January 13, 2020, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", submitted text amendments to the Kendall County Zoning Ordinance amending Sections 12 and 13 by amending the procedures by which violations to the Kendall County Zoning Ordinance are processed, removed the authority of the Hearing Officer, established fines and penalties for parties that violate the provisions of the Kendall County Zoning Ordinance and related citation corrections; and

*WHEREAS*, following due and proper notice by publication in the Kendall County Record on February 6, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on March 2, 2020, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and zero members of the public testified in favor or in opposition to the request; and

*WHEREAS*, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 2, 2020; and

*WHEREAS*, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation approval of the requested text amendment; and

*WHEREAS*, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,**  
that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The present language in Section 12.19.A is deleted in its entirety and replaced with the following:  
  
"12:19 Violations  
A. Any of the following shall be a violation of this ordinance and shall be subject to the procedures in case of violation and penalties found in Section 13:00 of this Ordinance as well as the remedies set forth in Section 13:00 of this Ordinance:

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;
2. To install, create, erect, or maintain any sign requiring a permit without first securing such a permit;
3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Ordinance, or for which the sign permit has lapsed; or
4. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this Ordinance.”

III. Amended Text: The present language in Section 12.20 is deleted in its entirety.

IV. Amended Text: The present Section entitled “12.21 Amortization” is renamed “12:20 Amortization”.

V. Amended Text: The present language in Section 13.01.A.3 is deleted in its entirety and replaced with the following:

“Procedure in case of violation. Whenever the Zoning Administrator or his or her designee determines that a violation of this Ordinance has occurred, the Zoning Administrator or his or her designee shall sign and cause a written Citation to be served upon the owner, tenant, and/or occupant of the property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), which Citation shall inform the person served of the Ordinance violation and the date of a required court appearance.

Any violation or attempted violation of this Ordinance, or any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by any of the following remedies or any other remedies available at law or in equity:

1. Issue a stop-work order for any and all work or use;
2. Revoke all permits and cause the cessation of any and all construction activities;
3. Seek an injunction or other order of restraint or abatement that requires the removal of the sign(s), the correction of the nonconformity, or the abatement of the activity or use;
4. Impose any penalties that can be imposed directly by the County under the Zoning Ordinance;
5. Seek in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance;
6. In the case of a sign, construction activity, or use that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances; and
7. Enforcement of building codes.

All enforcement procedures found in this Ordinance are cumulative and the County shall have available all remedies for violations of this Ordinance as provided for or allowed by State law.”

VI. Amended Text: The present language in Section 13.01.D is deleted in its entirety.

VII. Amended Text: The present language in Section 13.09 is deleted in its entirety and the Section is Reserved.

VIII. Amended Text: The present language in Section 13.10.H is deleted in its entirety and replaced with the following:

“H. Enforcement. It is the policy of the County that enforcement of this Site Plan review requirement is in the highest public interest. If any person, firm, or corporation violates the provisions of this Section, the County may exercise any or all of the remedies and penalties available under law.”

IX. Amended Text: Section 13.11 is added to the Zoning Ordinance with the following language:

“13:11 PENALTIES.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense.

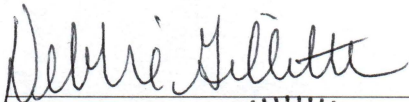
In addition to the above, the County may take summary steps to abate violations to this Ordinance and charge the violator with the cost of abating the violation. Upon nonpayment, the County may file a lien against the property.

In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.”

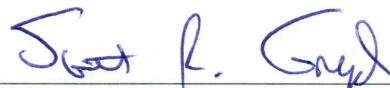
X. Any reference citation errors created by the above text amendment to the Zoning Ordinance shall be corrected.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 21<sup>st</sup> day of April, 2020.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

