



**COUNTY OF KENDALL, ILLINOIS**  
**COMMITTEE OF THE WHOLE**  
**COUNTY OFFICE BUILDING**  
**County Board Room 210**  
**Thursday, May 16, 2019 at 4:00 PM**  
**AGENDA**

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call:** Matthew Prochaska, John Purcell, Robyn Vickers, Elizabeth Flowers, Tony Giles, Scott Gryder, Amy Cesich, Judy Gilmour, Matt Kellogg, Audra Hendrix
- 3. Approval of Agenda**
- 4. Old Business**
- 5. New Business**
  - *Discussion of Union Negotiations and the Labor & Grievance Committee*
- From the Admin HR Committee:*
  - *Discussion of Worker's Compensation Tactical Athlete Health and Performance Institute Program (TAHPI)*
- From the Economic Development Committee:*
  - *Discussion of the development of the Kendall County Economic Development Corporation*
  - *Discussion of Using the Revolving Loan Fund to Fund the Kendall County Economic Development Corporation*
- From the Planning, Building and Zoning Committee:*
  - *Discussion and Approval of the Junk and Debris Ordinance Update*
- 6. Public Comment**
- 7. Questions from the Media**
- 8. Chairman's Report**
- 9. Review Board Action Items**
- 10. Executive Session for the purpose of the review of discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, 5ILCS 120-2**
- 11. Adjournment**

*If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630- 553-4171, a minimum of 24-hours prior to the meeting time*

**COUNTY OF KENDALL, ILLINOIS**  
**COMMITTEE OF THE WHOLE**  
**Thursday, April 11, 2019**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE** - The meeting was called to order at 4:02p.m. by County Board Chair Scott Gryder, who led the Pledge of Allegiance to the American Flag.

**ROLL CALL**

Attendee	Status	Arrived	Left Meeting
Scott Gryder	Present		
Amy Cesich	Present		
Elizabeth Flowers	ABSENT		
Tony Giles	Here		
Judy Gilmour		4:33p.m.	
Audra Hendrix		4:15p.m.	
Matt Kellogg	Yes		
Matthew Prochaska	Here		
John Purcell		4:30p.m.	
Robyn Vickers	Yes		

Others present: Matt Asselmeier, Scott Koeppel, Jim Smiley, Amaal Tokars, Rae Ann VanGundy, Assistant State's Attorney James Webb

**APPROVAL OF AGENDA** – Motion made by Member Cesich to approve the agenda, second by Member Kellogg. With six member's present voting aye, the motion to approve the agenda carried by a vote of 6-0.

**OLD BUSINESS**

- *Discussion of Ongoing Agreement for the Future Development of Lakewood Springs SSA* – Attorney Dan Kramer explained that the petitioner explained that the builder is read to close on May 15, 2019, with the County receiving a lump sum payment in May. The end builder has signed an absolute contract with four take-downs, and the petitioner is now requesting a second agreement with the County on the balance of the 160 lots for a three-year period, ending on May 15, 2022, with a per lot lump sum on each of the remaining three dates. Discussion on the County Board tying future Boards with the decision they make in this term, and the possible legal issues involved. Discussion on the necessity of an opt-out and possible penalty for the County if the agreement is not completed by 2022.
- *Discussion of Lennar and Raintree 2 SSA* – Scott Guerard, Land Acquisition Vice President for Lennar Homes, reported that Lennar met with School District 115 Superintendent Timothy Shimp regarding the Raintree 2 subdivision plans,

and stated that Superintendent Shimp and the District were on board for the development of the remaining 366 lots. Mr. Guerard explained that the District was already paid \$1,359,000 when the first 290 homes were built, and that upon closing of Raintree 2, the District would receive an additional \$549,000, as well as a donation of \$200 per home for the School District Foundation.

**The committee tasked Scott Koepfel with contacting Treasurer Jill Ferko regarding the timing of closing in May, and the impact it would have on her office due to the additional data entry required for each of the 366 parcels, and possible conflict with the early June Property Tax installment due date.**

- *Discussion of Engineering Proposal from Healey Bender for Animal Control Facility Upgrade* – Amy Cesich updated the committee on the proposed changes for the Animal Control facility, the elimination of the trailer from the grounds, and the need to have staff all together for more stability and management of the facility, staff and volunteers. Jim Smiley explained where windows would be installed in the kennel areas and the director’s office, the addition of a door to the yard off of the new viewing area in the back of the facility, the new HVAC system installation, the removal of ceiling tiles, and exhaust on both sides of the facility to assist with decrease of rodents and odors, and the addition of double doors in the hallway to divide the office area and kennel areas. Member Cesich stressed the need for improving the aesthetics and overall appearance of the facility for personnel and animal morale and comfort.

## **NEW BUSINESS**

*From the PBZ Committee:*

- *Amended Petition 17-28 Request from Kendall County Planning, Building and Zoning Committee for Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)* – Member Prochaska reported that the Planning, Building and Zoning Committee met on April 9, 2019 and continued discussions on the proposed gun range zoning regulations. Senior Planner Matt Asselmeier explained the recommendations from the PBZ Committee, as well as the results of the public hearing held by the Zoning Board of Appeals on April 1, 2019, and their recommendations for the proposal. Mr. Asselmeier also stated that Petition 17-28 failed in the Na-Au-Say Township by a vote of 4-0, and in the Fox Township by a vote of 4-1.

## **PUBLIC COMMENT**

Todd Milliron expressed the importance to citizens of having the ability to research area gun ranges through GIS or other options through the County.

Chris Pollock stressed the importance of beginning and end times for gun range hours, legally permitted versus existing gun ranges, the need for barriers or fencing around “live” or shooting areas of gun ranges, the importance of notifying citizens of “hot” gun ranges by the flying of red flags, and whether the County Noise Ordinance applies to gun ranges.

Mark Pearle thanked the Board for the progress that has been made on the proposed gun range Ordinance in the past year, and suggested a final proposal be sent back to the Townships that might assist in clarifying the amendments and the Township Officials understanding of them, and the need for 8’ to 10’ fencing surrounding shooting areas of gun ranges for the safety of everyone.

Priscilla Gruber stated that operating hours of 10:00am – 7:00pm were acceptable to her, but she emphasized the importance of quiet hours and the need for fencing for the safety of the community near the gun range.

**QUESTIONS FROM THE MEDIA – None**

**REVIEW BOARD ACTION ITEMS – Chair Gryder asked the committee to review the draft County Board agenda for April 16, 2019.**

**ITEMS FOR THE MAY 16, 2019 COMMITTEE OF THE WHOLE MEETING - None**

**CHAIRMANS REPORT – No report**

**EXECUTIVE SESSION – Not needed**

**ADJOURNMENT – Member Kellogg made a motion to adjourn the meeting, second by Member Prochaska. With nine members voting aye, the meeting was adjourned at 5:56p.m.**

Respectfully Submitted,

Valarie McClain  
Administrative Assistant and Recording Secretary

**COUNTY OF KENDALL, ILLINOIS  
COMMITTEE OF THE WHOLE  
EXECUTIVE SESSION MINUTES REVIEW  
Thursday, May16, 2019**

**EXECUTIVE SESSION** – Member            made a motion to enter into Executive Session for the purpose of the review of discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, 5ILCS 120-2, second by Member            .

**Roll Call:** Member Gryder -            , Member Cesich -            , Member Vickers -            , Member Hendrix -            , Member Gilmour –            , Member Kellogg -            , Member Prochaska –            , Member Giles -            , Member Flowers -           

**With members voting aye, the committee entered into Executive Session at            p.m.**

Committee Members Absent:

Others Present: ASA Leslie Johnson

Date of Executive Session	Retained	Released
<b>December 11, 2014</b>		
<b>January 15, 2015</b>		
<b>June 11, 2015</b>		
<b>August 13, 2015</b>		
<b>September 10, 2015</b>		
<b>December 10, 2015</b>		
<b>January 14, 2016</b>		
<b>March 10, 2016</b>		
<b>April 14, 2016</b>		
<b>July 14, 2016</b>		
<b>October 13, 2016</b>		
<b>December 15, 2016</b>		
<b>January 12, 2017</b>		
<b>April 13, 2017</b>		
<b>May 11, 2017</b>		
<b>August 10, 2017</b>		
<b>September 14, 2017</b>		
<b>November 8, 2017</b>		
<b>November 16, 2017</b>		
<b>December 14, 2017</b>		
<b>July 12, 2018</b>		
<b>August 16, 2018</b>		
<b>October 11, 2018 Minutes Review</b>		
<b>May 16, 2019 Minutes Review</b>		

Member            made a motion to reconvene in Open Session, second by Member            . **With six members in agreement, the committee reconvened in Open Session at            p.m.**

Respectfully submitted, Valarie A. McClain, Administrative Assistant and Recording Clerk

TAPHI Average 2014-2018 Potential WC Run Loss Cases

ICRMT 2018-2019	2	(4 months)
ICRMT 2017-2018	3	
ICRMT 2016-2017	15	
ICRMT 2015-2016	7	
ICRMT 2014-2015	5	
<b>Total</b>	<b>32</b>	
<b>Average 2014-2018</b>	<b>7.5</b>	

**TAHPI Potential Pool WC Loss Run**

<b>Program Year</b>	<b>Department</b>	<b>Status</b>	<b>Loss Cause</b>	<b>Paid</b>
ICRMT 2018-2019	Health/Human Services	Open	Slip/Trip/Fall	\$369
ICRMT 2018-2019	Sheriff/Police	Open	Slip/Trip/Fall	\$16,646
<b>2</b>			<b>FY 18-19 To date</b>	
ICRMT 2017-2018	Corrections	Open	Slip/Trip/Fall	\$15,107
ICRMT 2017-2018	Sheriff/Police	Closed	Mva-Vehicle Accident	\$3,493
ICRMT 2017-2018	Sheriff/Police	Re-Opened	Struck By Vehicle	\$2,007
<b>3</b>			<b>FY 17-18</b>	
ICRMT 2016-2017	Corrections	Closed	Struck By Person	\$2,906
ICRMT 2016-2017	Corrections	Open	Miscellaneous	\$158,301
ICRMT 2016-2017	Corrections	Closed	Struck By Person	\$7,023
ICRMT 2016-2017	Corrections	Open	Caught In/On Between Object	\$29,163
ICRMT 2016-2017	Corrections	Closed	Struck By Person	\$65,253
ICRMT 2016-2017	Health/Human Services	Closed	Slip/Trip/Fall	\$32,024
ICRMT 2016-2017	Sheriff/Police	Closed	Unknown Insufficient Info	\$2,582

ICRMT 2016-2017	Sheriff/Police	Closed	Overexertion	\$7,566
ICRMT 2016-2017	Sheriff/Police	Open	Slip/Trip/Fall	\$141,811
ICRMT 2016-2017	Sheriff/Police	Closed	Hostile Acts Of Other Persons	\$6,587
ICRMT 2016-2017	Sheriff/Police	Closed	Slip/Trip/Fall	\$1,922
ICRMT 2016-2017	Sheriff/Police	Closed	Slip/Trip/Fall	\$5,516
ICRMT 2016-2017	Sheriff/Police	Closed	Slip/Trip/Fall	\$1,433
ICRMT 2016-2017	Sheriff/Police	Closed	Incident Only	\$3,210
ICRMT 2016-2017	Sheriff/Police	Open	Slip/Trip/Fall	\$86,847

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**FY 16-17**

ICRMT 2015-2016	Animal Control	Closed	Bitten/Stung By Insect Or Animal	\$240
ICRMT 2015-2016	Animal Control	Closed	Bitten/Stung By Insect Or Animal	\$496
ICRMT 2015-2016	Forest Preserve	Closed	Slip/Trip/Fall	\$12,645
ICRMT 2015-2016	Sheriff/Police	Closed	Other	\$333
ICRMT 2015-2016	Sheriff/Police	Closed	Contact w Objects Being Handled	\$357
ICRMT 2015-2016	Sheriff/Police	Open	Caught In/On Between Object	\$92,261
ICRMT 2015-2016	Sheriff/Police	Open	Struck By Person	\$106,585

**7**

**FY 15-16**

ICRMT 2014-2015	Animal Control	Closed	Twisting	\$2,783
ICRMT 2014-2015	Maintenance Dept	Closed	Unknown-Insufficient Info	\$222,296
ICRMT 2014-2015	Maintenance Dept	Closed	Repetitive Motion	\$144,699
ICRMT 2014-2015	Probation	Closed	Unknown-Insufficient Info	\$114
ICRMT 2014-2015	State's Attorney	Closed	Slip/Trip/Fall	\$277

**5**

**FY 14-15**

## **ICRMT / Tactical Athlete Claims Cost / Benefits**

- **Cost per engagement \$1285**
- **Milwaukee Fire Department achieved a 46% reduction in lost time work days in the 4 years since TAHPI partnership**
- **Achieved annual reduction of over \$500,000 by reducing ER visits over past 2 years on total claims of 701.**
- **On average reduced time off work by 8 weeks**

### **Estimated cost reduction**

- **Police / Fire \$60,000 annual pay – AWW \$1154**
- **\$231 per day including PEDDA**
- **TAHPI cost covered if return to work 5.5 days sooner**
  
- **\$85,000 annual pay – AWW \$1635**
- **\$327 per day including PEDDA**
- **TAHPI cost covered if return to work 4 days sooner**
  
- **Max wage \$117,525 – AWW \$2260**
- **\$450 per day including PEDDA**
- **TAHPI cost covered if return to work in under 3 days**

**This does not include overtime cost for required staffing**





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## KENDALL COUNTY ECONOMIC DEVELOPMENT

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### *Memorandum*

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*To: Lynn Cullick, Kendall County Board Member*  
*CC: Scott Koeppe, County Administrator*  
*From: Andrez Beltran, Economic Development and Special Projects Coordinator*  
*Subject: Revolving Loan Fund regulations*  
*Date: 2/23/18*

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In October 2017, the Department of Commerce and Economic Opportunity sent a letter stating after reviewing Federal statutes, the County that the Revolving Fund Loan was no longer capitalized. This meant the previous regulation for use of the funds no longer needed to be maintained. Kendall County could do with it as it wished.

However, during legal review, the Kendall County State's Attorney's Office found a conflict with a Joint Committee on Administrative Rules Administrative Code JCAR Administrative Title 47, Section 110.360 (e). This section stated "Regardless of when the program income is earned, the RF shall always be subject to the requirements of the approved recapture strategy and each beneficiary of funds through the RF shall benefit at least 51% low and moderate-income persons." This would negate the previous letter by the State of Illinois.

After reaching out to DCEO, they agreed that it was a conflict but they would not pursue legal action for use of the Revolving Loan Funds not in line with previous requirements. However, according to the Kendall County State's Attorney's Office, that did not mean that the County could not be sued by a private party for misuse of funds.

In January 2018, Kendall County State's Attorney Office checked to see if the code had been revised or removed. It had not.

Attached to this memo are both the letter from DCEO as well as the Administrative Code in question.



**Illinois**  
**Department of Commerce**  
& Economic Opportunity

**OFFICE OF COMMUNITY DEVELOPMENT**

Bruce Rauner, Governor

October 11, 2016

Andrez P. Beltran  
Economic Development & Special Projects Coordinator  
111 W Fox St, Room 316  
Yorkville, IL 60560

Dear Economic Development & Special Projects Coordinator Beltran,

You are listed as the administrator for Kendall County's Revolving Loan Fund (RLF) which was capitalized by the Department of Commerce and Economic Opportunity's (DCEO) Community Development Assistance Program (CDAP). The DCEO's CDAP program is in turn funded by the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant Program established under the Federal Housing Community Development Act of 1974.

In recent monitoring HUD has advised DCEO to review and improve its administration of the RLF program. Per HUD Notice CPD-04-11 issued October 27, 2004, an RLF capitalized prior to October 1, 1992 no longer holds a federal identity and thus may be expended in any manner deemed appropriate by the community.

Kendall County's RLF was last capitalized prior to October 1, 1992 and is therefore considered dissolved; no further reporting to DCEO is required and the fund is considered closed.

Please have the chief elected official of Kendall County acknowledge receipt of this letter by signing below and return a copy to DCEO for our records. Thank you for your cooperation in this matter.

Sincerely,

David Wortman, P.E.  
Deputy Director of Community Development  
Illinois Department of Commerce & Economic Opportunity

By signing, I hereby acknowledge receipt of this letter and understand and agree to the closing of Kendall County's revolving loan fund.

Scott R. Gryder  
Chief Executive (Print Name)

S.R. Gryder  
Chief Executive (Sign)

**Joint Committee on Administrative Rules**

**ADMINISTRATIVE CODE**

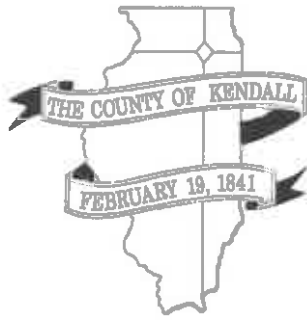
**TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY  
PART 110 STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT BLOCK  
GRANT PROGRAM FOR SMALL CITIES  
SECTION 110.360 PROGRAM INCOME SUBJECT TO THE ACT**

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**Section 110.360 Program Income Subject to the Act**

- a) Any program income (as defined in Section 110.220 of this Subpart) that the Department has permitted a grantee to retain and that is realized while the grantee has an open CDAP grant is subject to the requirements of the Act and 24 CFR 570.
- b) Program income retained by the grantee generated from a grant award prior to October 28, 1992 is not subject to the Act and 24 CFR 570 under the following conditions:
  - 1) The CDAP grant which generated the income is closed. For purposes of this Subpart, a closed project is defined in Section 110.220 of this Subpart; and
  - 2) All concurrent CDAP grants are closed.
- c) Program income retained by the grantee generated from a grant awarded after October 28, 1992 is subject to the Act and 24 CFR 570.
- d) If the grantee's CDAP grant records are insufficient to determine when program income was earned in relation to close-out of the grantee's CDAP projects, those RF shall be considered subject to the Act.
- e) Regardless of when the program income is earned, the RF shall always be subject to the requirements of the approved recapture strategy and each beneficiary of funds through the RF shall benefit at least 51% low and moderate-income persons.

(Source: Amended at 28 Ill. Reg. 13468, effective September 23, 2004)



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

To: Kendall County Committee of the Whole  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: May 14, 2019  
Re: Petition 19-20 Junk and Debris Ordinance

For the last couple months, the Planning, Building and Zoning Committee has been working with the Kendall County State's Attorney's Office on updating the Kendall County Junk and Debris Ordinance of 1968.

The draft of a new Junk and Debris Ordinance is attached to this memo. The proposed ordinance would do the following:

1. Repeal the 1968 Ordinance.
2. Establish a clearer definition of "junk and debris".
3. Create a process for serving citations on junk and debris violators.
4. Send violators of the Ordinance to court if the junk and debris has not been removed within the ten (10) day cure period.
5. Establishes that each day shall constitute a separate offense.
6. Establishes a maximum fine of Two Hundred Dollars (\$200) for each offense.

The enforcement procedure is same as the recently adopted Inoperable Vehicle Ordinance.

The Planning, Building and Zoning Committee suggested an exemption for business and manufacturing zoned properties. This exemption is shown in red on the attached proposal.

A copy of the 1968 Ordinance is also attached.

If you have any questions, please let me know.

MHA

ENC: Draft Junk and Debris Ordinance  
Junk and Debris Ordinance from 1968

**ORDINANCE NUMBER 19-**

**JUNK AND DEBRIS**

*WHEREAS*, It is the policy of the Kendall County Board to promote the health, safety, and welfare of Kendall County by abating the nuisance created by the outside storage of junk and debris in unincorporated areas of the County; and

*WHEREAS*, on July 9, 1968, the Kendall County Board adopted **an Ordinance ~~No. XXXX~~** entitled "An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance;" and

*WHEREAS*, **Ordinance No. XXXXXX An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance adopted July 9, 1968** stated the circumstances under which the storage of junk and refuse on private property in unincorporated areas of Kendall County would constitute a nuisance and provided procedures for the abatement of such nuisance; and

*WHEREAS*, the Kendall County Board now desires to implement an updated procedure for the abatement of the nuisance created by the storage of junk and debris.

*NOW, THEREFORE, BE IT ORDAINED*, that the Kendall County Board hereby authorizes the abatement of the nuisances created by the storage of junk and debris and the levying of fines for a person's failure to abate as follows:

**Section 1.**

The purpose of this Ordinance is to provide a method for abating nuisances created in the County of Kendall by the storage of junk and debris and to provide for fines to be levied for the failure of any person to obey a notice received from Kendall County which states that such person is to dispose of any junk and debris located on property under that person's control.

**Section 2.**

It is hereby declared a nuisance for any person, whether the owner, tenant, and/or other occupant of real property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), to cause, allow, or permit the existence or storage of any junk and debris upon any exterior premises within the County of Kendall and outside the municipal confines of any city, village or incorporated town. For purposes of this Ordinance, "junk and debris" is defined to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety, and welfare, and is specifically intended to include, but not be limited to, machinery of any kind, car parts, scrap metal, furniture, appliances, equipment, grills, mattresses, coolers, construction debris, glass, paper, clothing, rags, cartons, boxes, wood, bottles, and cans, regardless of whether these materials may be reused.

**Section 3.**

This Ordinance shall not prohibit the storage of equipment used for agricultural purposes on any property as long as

- a. that property is zoned A-1;
- b. that property is actually used primarily for agricultural purposes; and

- c. that equipment is actually used for agricultural purposes.

#### **Section 4.**

**This Ordinance shall not apply to properties possessing a business or manufacturing zoning classification where a lawful business use is operating.**

#### **Section 4.5.**

a. Any Kendall County code enforcement officer and the Kendall County Sheriff, or his deputies, are hereby authorized to issue citations to the offender for a violation of this Ordinance.

b. Whenever any authorized officer determines junk and debris is stored on any property located in the County of Kendall and outside the municipal confines of any city, village, or incorporated town, the officer shall cause a written notice to be served by hand delivery upon the owner, tenant, and/or other occupant of the property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), which notice shall inform the person served that the storage of junk and debris constitutes a nuisance under this Ordinance.

c. Such notice shall include the following:

- i. The name of the defendant and his or her address, if known;
- ii. The nature of the offense, including a description of the items that are junk and debris, and a reference to this Ordinance;
- iii. The date, time and place that the person is required to appear in court;
- iv. A statement that defendant can avoid the court appearance if the defendant, within 10 days of the service of the notice, removes the junk and debris from the exterior of the property;
- v. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading;
- vi. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court appearance or any date to which the case is continued and the amount of any default judgment.

#### **Section 5.6.**

a. Any person receiving such notice to dispose of junk and debris shall, within 10 days of the date of service of said notice, remove all junk and debris from the exterior of the property.

b. If the person receiving such notice removes the junk and debris within 10 days as required, that person shall contact the Kendall County Planning, Building, and Zoning Department at least 10 days prior to the scheduled court appearance for an inspection. If the code enforcement officer determines the junk and debris has been removed so that the property is no longer in violation of this Ordinance, the court appearance shall no longer be required.

**Section 67.**

a. It shall be unlawful and in violation of this Ordinance for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance as defined in Section 2 within 10 days following service of notice pursuant to Section 4(c).

b. A violation of this Ordinance by any person shall be punishable by a fine not exceeding \$200.00 for each offense.

c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 5(a) shall constitute a separate offense.

**Section 78.**

**Ordinance No. ~~XXXXXX~~ The Ordinance entitled "An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance" adopted July 9, 1968 is repealed.**

*IN WITNESS OF*, this Ordinance has been enacted by a majority vote of the Kendall County Board this \_\_\_\_ day of \_\_\_\_\_, 2019.

Attest:

\_\_\_\_\_  
Debbie Gillette  
Kendall County Clerk

\_\_\_\_\_  
Scott R. Gryder  
Kendall County Board Chairman

AN ORDINANCE DECLARING THE STORING  
OF JUNK AND OTHER WASTE MATTER  
ON PRIVATE PROPERTY TO BE A NUISANCE\*

BE IT ORDAINED by the Board of Supervisors of the County of Kendall, State of Illinois, as follows:

SECTION 1. The storing of junk trash and refuse on private property within the County of Kendall, is hereby declared a nuisance.

SECTION 2. Junk, trash and refuse are defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the esthetics of the neighborhood, and is specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors, machinery of any kind, any parts thereof, old ice boxes, refrigerators and stoves.

SECTION 3. The storage of trucks, tractors, and related machinery used for agricultural purposes is exempt from the provisions of this Ordinance, providing:

- (a) The zoning lot on which said storage exists is rezoned Agriculture District-A and,
- (b) Said zoning lot is used principally for agricultural purposes, and
- (c) Said machinery, or the like, is used principally for agricultural purposes.

SECTION 4. Any property owner or any occupant of property who allows such storage on the property owned or occupied by him shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); and any person who shall neglect, fail or refuse to abate and remove such nuisance after notice thereof, shall for each 24 hours thereafter during which said nuisance continues, be subject to a like penalty as that originally incurred.

SECTION 5. Any county law enforcement officer or building and zoning officer upon observing any violation of this Ordinance shall issue a Notice directed to the owner of record of th property on which said nuisance occurs, as shown in the records of the Recorder of Deeds of Kendall County, or to the occupant of said property, or both, which said Notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall be not less than two (2) days nor more than the ten (10) days after service of such Notice.

SECTION 6. Any citizen of Kendall County who observes a violation of this Ordinance may file an affidavit setting forth in detail the violation, its location and the name of the owner and/or occupant of the property on which such nuisance is alleged, and may file said affidavit with the Sheriff of Kendall County, who shall assign to the building and zoning officer the duty to investigate such charge, and if such nuisance exists, to issue a Notice to the owner of occupant of the property as provided in Section 5 of this Ordinance.



SECTION 7. Any county law enforcement officer or building and zoning officer of the County of Kendall shall serve the Notice here in provided for upon the owner or occupant of the property where such nuisance exists, or upon both of them, and shall make his return upon a copy of such Notice, showing the time of service, the person upon whom it was served, or the manner in which it was served.

SECTION 8. Immediately upon the termination of the time allowed in any such Notice for the abatement of such nuisance, the law enforcement officer or building and zoning officer who served such Notice or any other law enforcement officer or inspector who shall be assigned by the Sheriff shall investigate to determine whether or not such nuisance has been abated.

SECTION 9. In the event the owner or occupant of the property where such nuisance exists has failed within the prescribed time to abate such nuisance then the law enforcement officer or building or zoning officer who served such Notice, or the citizen of the County of Kendall who filed the said affidavit, or the officer who investigated whether such nuisance has been abated, shall file a complaint charging violation of this Ordinance with the Circuit Court for the Sixteenth Judicial circuit, charging violation of this Ordinance and demanding that the Owner of the property or the Occupant thereof, or both be punished as herein provided.

SECTION 10. The County of Kendall shall prosecute all complaints of violation of this Ordinance.

SECTION 11. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 12. This Ordinance shall take effect and be in full force and effect from and after the date of its passage, approval and publication as provided by law.

PASSED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF KENDALL,  
STATE OF ILLINOIS, THIS 9<sup>TH</sup> DAY OF JULY, A.D., 1968.

**\*A signed copy of this ordinance is available at the Planning, Building and Zoning office.**