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**KENDALL COUNTY  
PLANNING, BUILDING & ZONING COMMITTEE MEETING**

Boulder Hill Elementary School • Cafeteria  
163 Boulder Hill Pass • Montgomery, IL • 60538  
(630) 553-4141 Fax (630) 553-4179

**AGENDA**

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Wednesday, September 14, 2022 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chair), Dan Koukol, and Robyn Vickers

APPROVAL OF AGENDA:

NEW BUSINESS:

1. Introduction and Overview of the Meeting
2. Introduction of Planning, Building and Zoning Department Staff
3. Overview of Zoning Ordinance (Pages 2-13), Noise Ordinance (Pages 14-19), Junk and Debris Ordinance (Pages 20-22), and Inoperable Vehicle Ordinance (Pages 23-25)
4. Comments and Questions of Residents
5. Ordinance Enforcement Procedures

PUBLIC COMMENT:

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.

**BUSINESS.** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**HOME OCCUPATION.** Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

**HOME OCCUPATION - AGRICULTURAL.** A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation".

**HOME OCCUPATION- RESIDENTIAL.** A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

**HOME OCCUPATION- AGRICULTURAL provided:**

A. It is conducted entirely within the dwelling or permitted accessory building by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.

B. A maximum sign of eight (8) square feet will be permitted but must meet setback requirements in [Section 11:00](#) of the Zoning Ordinance and be unlit.

C. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.

D. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the ZBA pursuant to an application for special use filed in accordance with the provisions of this ordinance.

E. The number of off-street parking spaces for that use is provided as required by the [Section 11:00](#) of this Ordinance.

F. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, unless otherwise permitted by law.

4:07 HOME OCCUPATION- RESIDENTIAL provided:

A. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.

B. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.

C. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.

D. No more than ten (10) vehicle trips (customers, delivery persons or employees) may be made throughout a day to and from the home occupation.

E. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.

F. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.

G. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, unless otherwise permitted by law.

H. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. Exceeding this limit requires a variance.

I. Salons shall be limited to one station (chair or nail table), commonly referred to as a station.



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**HOME OCCUPATION AFFIDAVIT  
FOR RESIDENTIALLY ZONED PROPERTY**

I, \_\_\_\_\_, being first being duly sworn upon oath, deposes and says:

1. That this affiant is the owner of record of the following described or identified real estate, to wit: Parcel Identification Number and/or address:\_\_\_\_\_.
2. That the following describes the type of home occupation to be operated at the above address/PIN: \_\_\_\_\_

That I agree to conduct a Home Occupation in a residentially zoned district in accordance with the Kendall County Zoning Ordinance, as specified:

- a. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- b. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.
- d. No more than ten (10) vehicle trips (customers, delivery persons or employees) may be made throughout a day to and from the home occupation.
- e. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
- f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- g. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, unless otherwise permitted by law.
- h. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. Exceeding this limit requires a variance.
- i. Salons shall be limited to one station (chair or nail table), commonly referred to as a station.

*Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_*

\_\_\_\_\_  
Signature of Owner

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

**HOTEL, MOTEL, OR INN.** An establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms, and ancillary retain uses provided access to such uses are from the exterior of the principal use. Short-term rentals of a maximum thirty (30) consecutive days in a dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits shall not be considered hotels.

**SHORT-TERM RENTAL.** A dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits that are rented for a maximum thirty (30) days.

Short-Term Rental provided the property is annually registered with the Kendall County Planning, Building and Zoning Department.



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**APPLICATION**

**Short-Term Rental Registry** \_\_\_\_\_ **FILE#:** \_\_\_\_\_

<b>NAME OF APPLICANT</b>		
<b>CURRENT LANDOWNER/NAME(s)</b>		
<b>SITE INFORMATION</b> SITE ADDRESS OR LOCATION		ASSESSOR'S ID NUMBER (PIN)
CURRENT ZONING	TYPE OF STRUCTURE (i.e. Single-Family Home)	# OF OCCUPANTS IN THE STRUCTURE
<b>OWNER CONTACT</b>	<b>OWNER CONTACT MAILING ADDRESS</b>	<b>OWNER CONTACT EMAIL</b>
<b>OWNER CONTACT PHONE #</b>	<b>OWNER CONTACT FAX #</b>	<b>OWNER CONTACT OTHER # (Cell, etc.)</b>
<b>EMERGENCY CONTACT (IF DIFFERENT THAN OWNER)</b>	<b>EMERGENCY MAILING ADDRESS</b>	<b>EMERGENCY EMAIL</b>
<b>EMERGENCY PHONE #</b>	<b>EMERGENCY FAX #</b>	<b>EMERGENCY OTHER # (Cell, etc.)</b>
I UNDERSTAND THE THAT LISTED PROPERTY MAY BE RENTED FOR A MAXIMUM OF THIRTY (30) CONSECUTIVE DAYS AT ANY ONE TIME.		
I CERTIFY THAT THE ABOVE PROPERTY SHALL NOT BE RENTED AT ANY ONE TIME TO MORE PEOPLE THAN PERMITTED BY THE OCCUPANCY PERMIT ON FILE.		
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF AND THAT THE PRIMARY AND EMERGENCY CONTACT LISTED ABOVE SHALL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b>

**For Office Use Only**

Certificate of Occupancy on File Y/N \_\_\_\_\_ Date Certificate of Occupancy was Issued \_\_\_/\_\_\_/\_\_\_\_\_

Number of Legal Occupants \_\_\_\_\_

Approval of Application/Renewal \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_\_\_

## 11:05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES

### A. STORAGE OF UNOCCUPIED RECREATIONAL VEHICLES, TRAILERS AND MOBILE HOMES

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:

a) The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.

b) Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:

i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11:02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.

ii. Recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.

iii. Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

Exception: An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of the applicable zoning district as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning, Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.) Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle. This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property. Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. The Planning, Building and Zoning Department shall keep a copy

of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated.

c). When recreational vehicles or trailers and their contents are not fully screened from adjacent properties, the maximum number of unscreened recreational vehicles or trailers permitted to be parked or stored on a zoning lot shall be in accordance with the following table:

**Zoning Permitted RV's or Trailers**

Agriculture Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant

R1, R2, R3 2, provided such recreational vehicles or trailers are for use by the property owner or tenant

**All other residential districts**

1, provided such recreational vehicles or trailers are for use by the property owner or tenant

**Commercial or Industrial Districts**

No restriction on trailers, recreational vehicles provided they are part of a permitted trailer storage or sales business.

2. The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances:

a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed seventy-two (72) hours within a one (1) week period.

b) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to fourteen (14) consecutive days within a one (1) year period or twenty-one (21) days (non-consecutive) within a one (1) year period unless otherwise approved in writing by the Zoning Administrator.

3. Unoccupied mobile homes can be stored only in commercial and industrial districts only as part of a permitted trailer storage or sales business.

**B. OCCUPIED RECREATIONAL TRAILERS AND MOBILE HOMES**

1. Occupied recreational trailers and mobile homes may be located in "recreational camps" and subject to the standards and conditions of a special use permit.

2. Occupied recreational trailers and mobile homes may be located in residential districts only if:



a) The pre-existing home was made unsafe for occupancy by fire, tornado, flood, or other disaster, and

b) The occupants will be the future occupants of the home to be repaired or constructed on the same zoning lot.

c) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be occupied and stored on the lot shall be limited to fourteen (14) consecutive days within a one (1) year period or twenty-one (21) days (non-consecutive) within a one (1) year period unless otherwise approved in writing by the Zoning Administrator. This provision shall also apply to properties zoned A-1 Agricultural.

3. Occupied mobile homes utilized for the following purposes may be located in agricultural districts subject to the following restrictions:

a) Medical Care Assistance:

i. Limited to one (1) per zoning lot provided the individual occupying the mobile home provides medical care or assistance to the occupant of the primary residence on the same zoning lot; and

ii. That the zoning lot on which the mobile home and principal residence to which it is accessory are located, must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.

iii. Shall comply with all zoning and permit requirements and fees of the county.

b) Temporary Housing:

i. Limited to one (1) per zoning lot provided the individuals residing in said temporary housing will be the future occupants of a home to be repaired or constructed on the same zoning lot,

ii. Mobile homes serving as temporary housing for the repair or re-construction of a Farm Residence are exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's Floodplain Regulations and fees, and the setback standards of the A-1 district.

c) Ag Labor Housing:

Where the occupant is an individual whose employment is related to agricultural activities on the same zoning lot the mobile home is exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's Floodplain Regulations and the setback standards of the A-1 district. In addition, the zoning lot on which the mobile home and principal residence to which it is accessory are located must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.

d. ECHO Housing:

Provided it complies with the provisions of [Section 7.01.E](#) of this Chapter.

C. INSTALLATION.

1. Occupied mobile homes must comply with Kendall County regulations for sewage disposal.
2. Occupied mobile homes must comply with State regulations for tie-downs.
3. Wheels, tongue and hitch must remain attached.
4. Occupied mobile homes must be placed on piers having depth below the frost line.
5. Any stairs, decks, or other “add-ons” must comply with Kendall County building regulations.

D. PERMITS.

1. Permits are required for recreational trailers and mobile homes that are to be occupied with the exception of those situations permitted under [Section 11.05.B.2.c](#).
2. Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or the Illinois Mobile Home Safety Act.
3. Permits and annual renewals may be approved by the Zoning Administrator as follows:
  - a. Medical care or assistance: Permits may be renewed annually provided a doctor’s certification is provided indicating assistance is still required.
  - b. New home construction or repair: Permits may be issued for a period of up to one (1) year, and may be extended by the Planning, Building and Zoning Director by six (6) months if the applicant shows adequate progress in construction.
4. Permits may be rescinded by the PBZ Committee for failure to conform to this ordinance.
5. Recreational trailers and mobile homes must be removed from the zoning lot within sixty (60) days of notice of the rescinded or expired permit, unless otherwise allowed by ordinance.
6. Permits for a temporary mobile home must be renewed annually or as stated above. The Planning, Building and Zoning Committee may extend permits beyond the one (1) year and six (6) month limit as stated in [Section 11.05.D.3.ii](#). When the permit expires or when occupants of the trailer or mobile home do not meet the conditions set forth above, the trailer or mobile home must be removed within sixty (60) days.

7. Fees:

a. Permit application form must be accompanied by a fee set by the Kendall County Board, not refundable.

b. An annual fee set by the Kendall County Board will be required on or before the renewable date stated on the approved permit.

E. That all applications for a permit be accompanied by an affidavit, stating as follows:

1. Names and addresses of occupants.

2. Location of use.

3. Description of trailer.

4. Reason for application.

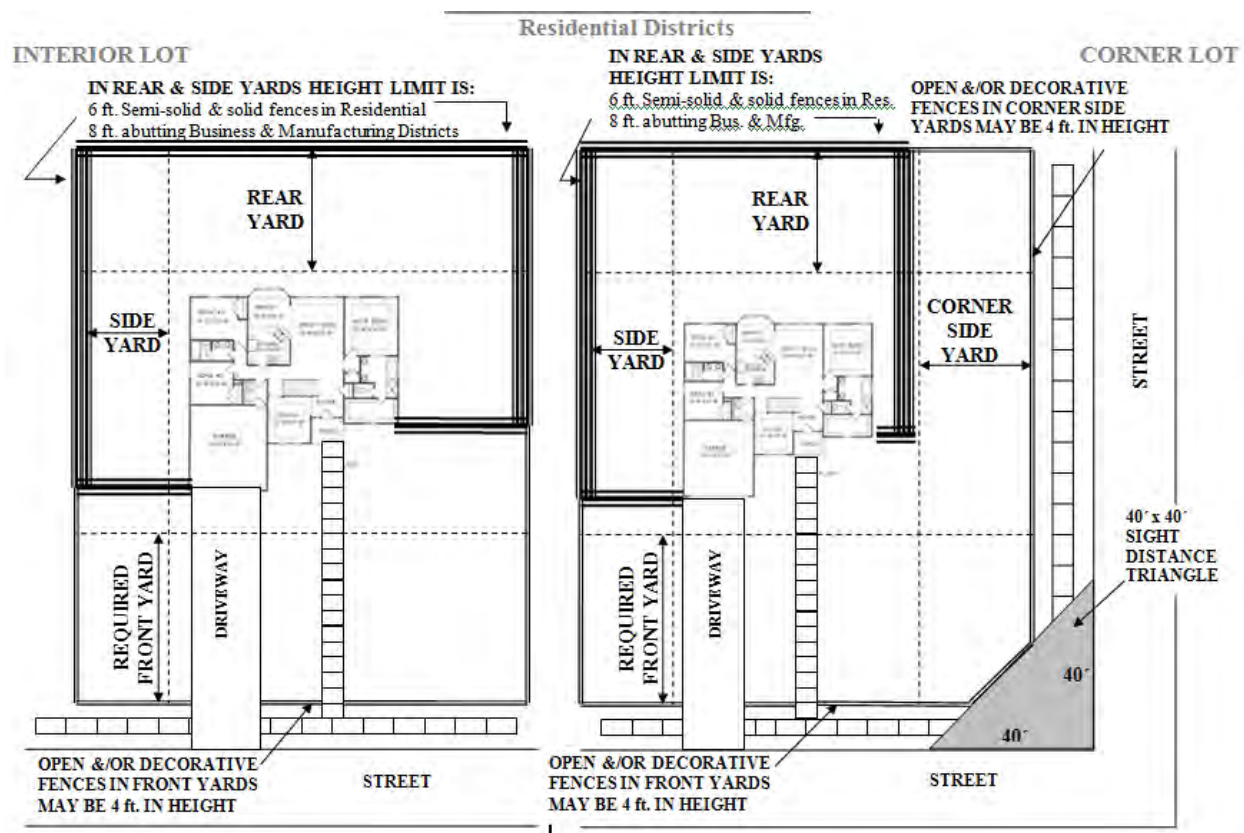
5. Statement that a change in usage, name or number of occupants, location, will be reported to the Building and Zoning Office immediately.

## SECTION 4:00 GENERAL PROVISIONS

Updated on 9.15.20

### 4:14 FENCES

- A. GENERAL. Fences that are open, semi-solid or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:
1. Fences located in the A-1 District shall be excluded from any fence height restriction or fence type restriction specified in this section below.
  2. Only decorative or open fences, which do not exceed four feet (4') in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building)



3. Semi-solid and solid fences shall be regulated as follows:
  - a. In Residential districts, solid and semi-solid fences are permitted up to six feet (6') in height in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. Where a side yard or rear lot line of a residentially zoned lot abuts property located in a Business or Manufacturing district, a solid or semi

## SECTION 4:00 GENERAL PROVISIONS

Updated on 9.15.20

solid fence of up to eight feet (8') in height may be permitted in the required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. *(Amended 6/20/2006)*

- b. In Business and Manufacturing districts, solid and semi-solid fences are permitted up to eight feet (8') in height, and may be placed along the lot line in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard.
4. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-way.
5. Fences on corners of vehicular intersections shall comply with Section 4:04.E, Corner Clearance, of this ordinance.
6. Except in the A-1 District & R-1 District, barbed-wire and aboveground electric fences shall not be located in any Residential District or residential platted subdivision. The use of underground electric fences to contain domestic pets is permitted in any District.

### B. REQUIRED FENCES, HEDGES, AND WALLS. *(Amended 11/18/2003)*

1. A six-foot-high fence or wall shall be constructed along the perimeter of all areas considered by the Board of Appeals to be dangerous to the public health.
2. When required by the Zoning Administrator, a six foot high solid masonry wall shall be erected along the property line or zone boundary lines to separate industrial and commercial districts or uses from abutting residential district as follows:
  - a. Where the zone boundary is at a rear lot line which is not a street, the wall shall be on that line.
  - b. Where the boundary is a side lot line, the wall shall be parallel to said side lot line and be reduced to three feet in height in the area set forth as a required front yard for the abutting residential district. The wall paralleling the front property line shall be set back from said property line not less than ten feet and the space between the wall and the property line to be landscaped and maintained.
  - c. Where the boundary is a street, the wall shall be set back from the property line ten (10) feet. The space between the wall and the property line shall be landscaped and maintained.
  - d. Where the boundary is an alley, the wall shall be on the property line along the alley.
  - e. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, State or Federal law.

KENDALL COUNTY, ILLINOIS  
ORDINANCE NO. 13-18

**ORDINANCE REGULATING NOISE OUTSIDE THE CORPORATE LIMITS OF ANY CITY, VILLAGE OR INCORPORATED TOWN IN KENDALL COUNTY, ILLINOIS**

**WHEREAS, the County of Kendall has the authority pursuant to 720 ILCS 5/47-5 to declare what shall be public nuisances and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town; and**

**WHEREAS, pursuant to the Illinois County Code 55 ILCS 5/5-12001, the County of Kendall also has the authority to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses and to regulate and restrict the intensity of such uses, for the purpose of promoting the public health, safety, morals, comfort and general welfare, and conserving the values of property throughout the county; and**

**WHEREAS, the County of Kendall seeks to control noise in its residential districts for the purpose of protecting the public health, safety, morals, comfort, and general welfare of its residents, and;**

**WHEREAS, the County of Kendall seeks to conserve the value of property throughout the county, and to prevent noise pollution in that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.**

**NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Kendall, State of Illinois that hereafter Residential Zoning Districts which lie outside of**

the corporate limits of any City, Village or Town and lying within the corporate limits of Kendall County, Illinois shall be subject to the following:

**ARTICLE I - Title:**

This ordinance shall hereinafter be known as the "Kendall County Noise Control Ordinance" and may be so cited.

**ARTICLE II - Definitions & Rules of Construction:**

Except as specifically stated herein, the definitions of terms used in this Ordinance shall have their regular and usual meaning as indicated by common dictionary definition. However, all definitions of acoustical terminology used in this chapter shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. Words importing the singular number may extend and be applied to several persons or things. Words importing the plural number may include the singular. Words importing gender may be applied to both male and female.

**ARTICLE III - Applicability:**

This Ordinance's noise regulations shall apply in unincorporated Residential Zoning Districts, except where otherwise exempt under this Ordinance. Any person, including, but not limited to, the subject property's owner, agent, tenant, visitor and/or other occupant of the property who violates any provisions of this Ordinance, shall be liable for such noncompliance as further set forth herein.

Notwithstanding the above, a property owner shall be held liable for a violation under this ordinance if the County establishes by a preponderance of the evidence that he/she is legally accountable for the conduct giving rise to the violation, acquiesced to the conduct, and/or knew or should have reasonably known of the conduct occurring or that the conduct was likely to occur.

A Person for the purpose of this Ordinance shall be any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, or any legal successor, representative, agent or agency of the foregoing.

**ARTICLE IV - Measurement / Weighted Sound Level:**

Measurement of sound for the purpose of this Ordinance shall be obtained using a device that utilizes the proper frequency sound weighting. Weighted Sound Level is the sound pressure level decibels as measured on a sound level meter using the A weighting network. The level so read is designed dB(A) or dBA.

**ARTICLE V – Prohibited Activity:**

**(A) During Day Hours:**

No person shall make, continue, or cause to be made the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty (60) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant. Further, no person shall permit any sound as described herein to be made in or upon any house, premises or property owned or possessed by them or under their management and or control.

**(B) During Night Hours:**

No person shall make, continue, or cause to be made the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant. Further, no person shall permit any sound as described herein to be made in or upon any house, premises or property owned or possessed by them or under their management and or control.

**(C) Sound emissions in violation of (A) and (B) above are hereby declared to be a public nuisance.**

**(D) For the purposes of determining violations of (A) and (B) above within attached multiple family structures/multiple unit developments such as apartments, condominiums and townhomes, the point of measurement shall be the outer property line of the multiple family structures/multiple unit developments and not at the dividing walls between individual units in said structures.**

**ARTICLE VI - Exemptions:**

The following exemptions to violation of this Ordinance shall apply:

**(A) Emergency Operations:** Emergency short term operations which are necessary to protect the health, safety and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery shall be exempt, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same. Emergency operations by fire and rescue services and police agencies shall also be exempt.

**(B) Noises Required by Law:** The provisions of this chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.



- (C) **Powered Equipment:** Powered equipment, such as air conditioners, lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this chapter, shall be exempted. Good repair for the purpose of this exemption shall be when the equipment at issue is in a condition that meets factory specifications and is properly maintained to prevent any excessive or unusual noise. However, the use of radios or other sound/entertainment devices on such equipment shall not be exempted if listened to at a level otherwise violating the terms of this Ordinance.
- (D) **Community Events:** The term "community events" shall include such things as parades, festivals, drum corps shows, sports events and Fourth of July celebrations, which are sanctioned or sponsored in whole or in part by local governments, schools or charitable or service organizations.
- (E) **Agricultural Noise:** Specifically excluded from the provisions of this Ordinance is noise generated by agricultural equipment on land zoned and/or used for agricultural purposes.
- (F) **Motor Vehicles:** Nothing herein shall be construed as a limitation on the operation of duly registered motor vehicles as defined in the Illinois Motor Vehicle Code, which are not in violation of 625 ILCS 5/12-502.
- (G) **Work performed by a public body:** Any work performed by or on behalf of a public body, including that which is performed by subcontractors, shall be exempted. Such activities may include, but are not limited to, routine maintenance work, road and bridge construction and emergency repairs.
- (H) **Motorcycles:** Nothing herein shall be construed as a limitation on the operation of duly registered motorcycles as defined in the Illinois Motor Vehicle Code.
- (I) **Construction Sites:** Construction noise that occurs between the hours of 7 A.M. and 8 P.M. shall be exempted. However, if in the opinion of the Kendall County Planning, Building and Zoning Department, equipment or activities employed in the performance of construction exceeds the allowable decibel levels within this code, the Kendall County Planning, Building and Zoning Department may require noise mitigation methods be implemented and used at the construction site to mitigate noises which exceed the requirements herein.

**ARTICLE VII- Enforcement:**

Enforcement of this ordinance shall be performed by the Kendall County Sheriff's Office and any and all complaints of violations of this ordinance shall be directed to them. The Kendall County State's Attorney's Office shall be authorized to prosecute any violations of this Ordinance.

**ARTICLE VIII – Notice to Property Owner:**

- (A) Whenever a violation of this Ordinance occurs, the owner of the property shall be given notice of the violation in accordance with the following provisions:
  - (1) If the owner's name and current address are known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to that address. For purposes of notice under this Section, if the person cited for the conduct giving rise to the violation is the owner, then the address provided to the Kendall County Sheriff's Office at the time of citing shall be deemed to be that person's known address; or
  - (2) If the owner's address is not known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to the owner's address as provided to the County Clerk and/or County Supervisor of Assessments Office; or
  - (3) If the owner's address is not known, and is not on record as provided above, then by publication for 3 successive weeks in a newspaper of general circulation within Kendall County.

- (B) Notice served under this Ordinance is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

**ARTICLE IX - Penalty:**

- (A) It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and be punished by fines as follows:
  - (1) For the first offense, the minimum fine shall be \$50.00 and the maximum fine shall be \$500.00; and
  - (2) For any subsequent offense occurring within two years of the prior offense, the minimum fine shall be \$100.00 and the maximum fine shall be \$1000.00; and
- (B) The violation of this ordinance, or any part thereof, on more than one (1) day shall constitute separate offenses; and

(C) In addition to any penalty provided by this Ordinance, the Kendall County State's Attorney is authorized to initiate action to obtain injunctive relief in the Circuit Court, including, but not limited to, the issuance of a temporary restraining order and preliminary injunction, in order to abate any such nuisance condition as enumerated in this Ordinance.

**ARTICLE X - Severability:**

The articles, provisions and sections of this Ordinance shall be deemed to be separable and if any portion of this Ordinance is deemed invalid, such determination shall not affect the validity of the remainder.

**ARTICLE XI - Effective Date:**

This Ordinance and the regulations contained therein shall be in full force and effect on and after the date signed below.

ADOPTED and APPROVED this 17<sup>th</sup> day of September, 2013.

Attest:   
Debbie Gillette, County Clerk

  
John Shew, County Board Chairman

ORDINANCE NUMBER 19-12

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 entitled "An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance;" and

*WHEREAS*, 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.**

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 without the necessity of receiving a complaint.

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.**

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 6.**

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 7.**

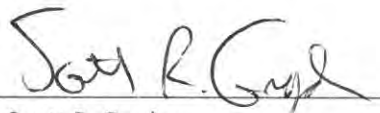
The Ordinance entitled "An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance" adopted July 9, 1968 is repealed.

*IN WITNESS OF*, this Ordinance has been enacted by a majority vote of the Kendall County Board this 21<sup>st</sup> day of May, 2019.

Attest:



Debbie Gillette  
Kendall County Clerk



Scott R. Gryder  
Kendall County Board Chairman

ORDINANCE NUMBER 18-19

INOPERABLE MOTOR VEHICLES

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 inoperable motor vehicles in unincorporated areas of the County; and

WHEREAS, on May 10, 1988, the Kendall County Board adopted Ordinance No. 8815 entitled "Inoperable Motor Vehicles;" and

WHEREAS, Ordinance No. 8815 stated the circumstances under which the storage of inoperable motor vehicles 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 inoperable motor vehicles; and

WHEREAS, Section 5-1092 of the Counties Code (55 ILCS 5/5-1092) authorizes a county board to declare by ordinance inoperable motor vehicles, whether on public or private property, to be a nuisance and authorize fines to be levied against a person for failure to dispose of an inoperable motor vehicle after receiving notice; and

WHEREAS, pursuant to Section 5-1092, this Ordinance shall not apply to motor vehicles kept within a building when not in use, operable historic vehicles over 25 years of age, or motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles; and

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

**Section 1.**

Pursuant to authority granted by 55 ILCS 5/5-1092, the purpose of this Ordinance is to provide a method for abating nuisances created in the County of Kendall by inoperable motor vehicles and to provide for fines to be levied for the failure of any person to obey a notice received from the county which states that such person is to dispose of any inoperable motor vehicles under that person's control.

**Section 2.**

It is hereby declared a nuisance for any person to cause or permit the existence or storage upon any premises within the County of Kendall and outside the municipal confines of any city, village or incorporated town any inoperable motor vehicle or part thereof.

For purposes of this Section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 7 days, the engine, wheels 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 driven under its own motor power. "Inoperable motor vehicle" shall not include:

- a. a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations;

- b. any motor vehicle that is kept within a building when not in use;
- c. an operable historic vehicle over 25 years of age which is licensed pursuant to section 3-804 of the Motor Vehicle Code (625 ILCS 5/3-804);
- d. a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
- e. any motorized equipment used in the production of agriculture.

**Section 3.**

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 without the necessity of receiving a complaint.

b. Whenever any authorized officer determines an inoperable motor vehicle exists on any public or private 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 person(s) controlling the inoperable motor vehicle, which notice shall inform the person served that an inoperable motor vehicle constitutes a nuisance under this Ordinance.

An inoperable motor vehicle is under the control of a person(s) if that person(s):

- i. holds legal title to the inoperable motor vehicle;
  - ii. is in custody or possession of the inoperable motor vehicle;
  - iii. is the owner of real property upon which the inoperable motor vehicle is located;
  - iv. has any possessory interest in the real property upon which the inoperable motor vehicle is located;
  - v. has any possessory interest in the inoperable motor vehicle.
- 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 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 he, within 10 days of the service of the notice, repairs the vehicle to an operable condition or disposes of the inoperable vehicle;
  - 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 4.**

a. Any person receiving such notice to dispose of an inoperable motor vehicle shall, within 10 days of the date of service of said notice:

- i. Repair all inoperable motor vehicles identified in the notice to operable condition; or
- ii. Dispose of all inoperable motor vehicles identified in the notice in accordance with all applicable statutes of the State of Illinois and all applicable ordinances and resolutions of the County of Kendall.

b. If the person receiving such notice repairs or disposes of the inoperable motor vehicle 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 inoperable motor vehicle has been repaired or disposed of so that it is no longer in violation of this Ordinance, the court appearance shall no longer be required.

**Section 5.**

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 3(c).

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

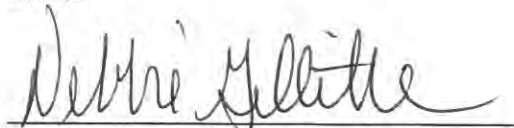
c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 4(a) shall constitute a separate offense.

**Section 6.**

Ordinance No. 8815 adopted May 10, 1988 is repealed.

*IN WITNESS OF*, this Ordinance has been enacted by a majority vote of the Kendall County Board this 18 day of September, 2018.

Attest:



Debbie Gillette  
Kendall County Clerk



Scott R. Gryder  
Kendall County Board Chairman