

CHAPTER 6

BUILDINGS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	DANGEROUS BUILDINGS	
	Section 6-1-1 - Defined	6-1
	Section 6-1-2 - Declared a Nuisance; Maintenance Unlawful	6-1
	Section 6-1-3 - Notice to Abate	6-2
	Section 6-1-4 - Standards for Abatement	6-2
	Section 6-1-5 - Failure to Abate	6-3
	Section 6-1-6 - Alternate Actions	6-3
II	RESERVED	
III	SETBACK LINES	
	Section 6-3-1 - Definitions and Rules of Construction	6-7
	Section 6-3-2 - Regulation	6-8
	Section 6-3-3 - Nonconforming Use Regulations	6-8
	Section 6-3-4 - Enforcement	6-8
	Section 6-3-5 - Permits	6-9
	Section 6-3-6 - Interpretation	6-9
	Section 6-3-7 - Amendments	6-9
	Section 6-3-8 - Violations and Penalties	6-9
	Section 6-3-9 - Validity	6-10

CHAPTER 6

BUILDINGS

ARTICLE I – DANGEROUS BUILDINGS

6-1-1 **DEFINED.** The term “dangerous building” as used in this Article is hereby defined to mean and include any building, shed, fence, or other structure, or any portion thereof, which has any or all of the following defects:

(A) It is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Village because of its construction or condition, or may cause or aid in the spread of disease or cause injury to the health or the occupants of it or of neighboring structures;

(B) It, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;

(C) It, by reason of faulty construction, age, lack of proper repair or other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) It, because of its condition or because of lack of doors or windows, is available to or has become an attractive nuisance to children, or a harbor for transients, vagrants or criminals who are not lawful occupants of such structure;

(E) It is uncompleted or abandoned;

(F) Its interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(G) It, exclusive of the foundation, shows **thirty-three percent (33%)** or more of damage or deterioration of the supporting members, or **fifty percent (50%)** of damage or deterioration of the nonsupporting enclosing or outside walls or covering;

(H) It has improperly distributed loads upon the floors or roofs, or the floors or roofs are overloaded, or it has insufficient strength to be reasonably safe for the purpose used;

(I) It has been damaged by fire, wind or other cause so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants thereof or the people of the Village;

(J) It has become or is so dilapidated, decayed, unsafe, unsanitary or so utterly fails to provide amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, or to cause injury to the health, morals, safety or general welfare of those living therein;

(K) It has light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;

(L) It has inadequate facilities for egress in case of fire or panic or it has insufficient stairways, elevators, fire escapes, or other means of communication;

(M) It has parts thereof which are so attached that they may fall and injure members of the public or property;

(N) It exists in violation of any provision of any building code of this Village, or any provision of any fire prevention code or other ordinance of this Village;

(O) Any vacant building with unguarded openings shall be deemed to constitute a fire hazard and to be dangerous within the provision of this Code.

6-1-2 **DECLARED A NUISANCE; MAINTENANCE UNLAWFUL.** Any dangerous building in the Village is hereby declared to be a nuisance. It shall be unlawful to maintain or permit the existence of any dangerous building in the Village; and it shall be unlawful for the owner, occupant or person in custody or control of any dangerous building to permit such building to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition. All dangerous buildings shall be demolished or repaired as provided in this Article.

6-1-3 NOTICE TO ABATE.

(A) Whenever the Mayor, Police Chief or any of their designated representatives shall find that any building, shed, fence or other structure, or any portion thereof, in the Village is a dangerous building, he or she shall file a written statement to that effect with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owners thereof, the lienholders of record, and upon the occupants thereof, if any, by registered or certified mail or by personal service.

(B) The notice provided for in subsection (A) of this Section shall state that the structure has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the structure or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

To (Owner/Occupant/Lienholder): of the premises known and described as _____

You are hereby notified that (describe building or structure) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by _____

The causes for this decision are (here insert the facts as to the dangerous condition) _____

If you fail to remedy this condition or demolish the building or structure, after **fifteen (15) days** from the date of this Notice is served the Village may, at your expense, apply to the circuit court for an order authorizing such action (**65 ILCS 5/11-31-1**) or may proceed to obtain an injunction to require compliance (**65 ILCS 5/11-31-2**). The building or structure may not be boarded up or otherwise enclosed as a response to this notice.

Dated: _____, 20____.

(Village Clerk)

(C) Where, upon diligent search, the identity or whereabouts of the owner or owners of the dangerous structure, including the lienholders of record, is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Article. (**Ord. No. 2005-08; 10-03-05**)

6-1-4 STANDARDS FOR ABATEMENT. The following standards shall be followed in substance by the Mayor or the Police Chief in ordering repair, vacation or demolition of a dangerous building:

(A) If the dangerous building can reasonably be repaired so that it will no longer be in violation of the terms of this Article, it shall be ordered repaired.

(B) If a dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

(C) In any case where a dangerous building is at least **fifty percent (50%)** damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Article, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Article or any ordinance of the Village or statute of the State, it shall be demolished.

6-1-5

(A)

FAILURE TO ABATE.**Demolition, Repair or Enclosure.**

- (1) The Village Attorney shall, when requested to do so by the Mayor, the Mayor's designated representative or the Village Board, pursuant to Section 11-31-1(a) of the Illinois Municipal Code (**65 ILCS 5/11-31-1(a)**) apply to the circuit court (i) for an order authorizing action to be taken with respect to a dangerous building if the owner or owners of the building, including the lienholders of record, after **fifteen (15) days** written notice by mail or by personal service so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair or enclose the building or to remove garbage, debris and other hazardous, noxious or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed.
- (2) If the Mayor, the Mayor's designated representative or the Village Board determines that any dangerous building fulfills the requirements for an action by the Village under the Illinois Abandoned Housing Rehabilitation Act (**310 ILCS 50/1 et seq.**), the Village may petition under that act in a proceeding brought under this subsection.

(B) **Money Judgment.** In any case where the Village has obtained a lien under subsection (A), the Village shall also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Illinois Code of Civil Procedure (**735 ILCS 5/2-101 et seq.**) and upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Illinois Code of Civil Procedure (**735 ILCS 5/12-101 et seq.**).

(C) **Injunction to Require Compliance.** If the Mayor, the Mayor's designated representative or the Village Board determines, upon due investigation, that any building or structure herein fails to conform to the minimum standards of health and safety as set forth in the ordinances of this Village, and the owner or owners of such building or structure fails, after due notice as provided in this Article, to cause such property to so conform, the Village Attorney may, pursuant to Section 11-31-2 of the Illinois Municipal Code (**65 ILCS 5/11-31-2**), make application to the circuit court for an injunction requiring compliance of such ordinances or for such other order as the court may deem necessary or appropriate to secure such compliance.

6-1-6 **ALTERNATE ACTIONS.** In addition to the actions authorized by other sections of this Article:

(A) **Declaration of Abandonment.** In addition to any other remedy provided by law, the Village may, pursuant to Section 11-31-1(d) of the Illinois Municipal Code (**65 ILCS 5/11-31-1(d)**), petition the circuit court to have property declared abandoned if:

- (1) The property has been tax delinquent for **two (2)** or more years, or bills for water service for the property have been outstanding for **two (2)** or more years;
- (2) The property is unoccupied by persons legally in possession; and
- (3) The property contains a dangerous or unsafe building.

(B) **Expedited Removal of Certain Buildings.** The Village may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community. If a residential or commercial building is **three (3) stories** or less in height as defined by the Village's building code, and the corporate official designated to be in charge of enforcing the Village's building code determines that the building is open and vacant and an immediate and continuing hazard to the community, then the official shall be authorized to post a notice not less than **two (2) feet** by **two (2) feet** in size on the front of the building. The notice shall be dated as of the date of the

posting and shall state that unless the building is demolished, repaired or enclosed, and unless any
garbage, debris,

and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris and other hazardous, noxious, or unhealthy substances or materials may be removed, by the Village.

Not later than **thirty (30) days** following the posting of the notice, the Village shall do all of the following:

- (1) Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the Village to demolish, repair or enclose the building or remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials if that action is not taken by the owner or owners.
- (2) Cause to be published, in a newspaper published or circulated in the Village, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the Village intends to demolish, repair or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for **three (3) consecutive days**.
- (3) Cause to be recorded the Notice of Remediate mailed under paragraph (1) in the Office of the Recorder of Deeds of Clark County.

A person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the Village may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired or enclosed, or the garbage, debris or other hazardous, noxious or unhealthy substances or materials are not removed, within **thirty (30) days** of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of records in the property, or within **thirty (30) days** of the last day of publication of the notice, whichever is later, the Village shall have the power to demolish, repair or enclose the building or to remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials.

The Village may proceed to demolish, repair or enclose a building or remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials under this subsection within a **one hundred twenty (120) day** period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure or removal of any garbage, debris or other hazardous, noxious or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the Village proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under Section 11-31-1(e) of the Illinois Municipal Code (**65 ILCS 5/11-31-1(e)**) before a court and has served a copy of the complaint on the Mayor of the Village, then the Village shall not proceed with the demolition, repair, enclosure or removal of garbage, debris or other substances until the court determines that the action is necessary to remedy the hazard and issues an order authorizing the Village to do so. If the court dismisses the action for want of prosecution, the Village must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, enclosure, or removal of garbage, debris, or other substances will proceed unless, within **thirty (30) days** after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of the motion on the Mayor of the Village. Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice and the demolition, repair, enclosure, or removal may proceed forthwith.

Following the demolition, repair or enclosure of a building, or the removal of garbage, debris or other hazardous, noxious or unhealthy substances or materials under this subsection, the Village may file a notice of lien against the real estate for the cost of demolition, repair, enclosure or removal within **one**

hundred eighty (180) days after the repair, demolition, enclosure or removal occurred, for the cost and expenses incurred, in the office of the recorder of deeds. This lien has priority over the interests of those parties named in the Notice to Remediate mailed under paragraph (1), but not over the interest of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the Village in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the Village; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the Village as provided in subsection (A).

(C) **Hazardous Substances and Petroleum Products On, In, or Under Abandoned and Unsafe Property.** The Village may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products, on, in, or under any abandoned and unsafe property within the Village. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the Village may inspect the property and test for the presence or release of hazardous substances and petroleum products.

For purposes of this subsection (C):

- (1) "property" or "real estate" means all real property, whether or not improved by a structure;
- (2) "abandoned" means:
 - (a) the property has been tax delinquent for **two (2)** or more years;
 - (b) the property is unoccupied by persons legally in possession; and
- (3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and
- (4) "hazardous substances" means the same as in Section 3.215 of the Environmental Protection Act (**415 ILCS 5/1 et seq.**).

The Village Attorney shall, pursuant to Section 11-31-1(f) of the Illinois Municipal Code (**65 ILCS 5/11-31-1(f)**) apply to the circuit court (i) for an order allowing the Village to enter the property and inspect and test the substances on, in, or under the property; or (ii) for an order authorizing the Village to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i) indicate the presence of hazardous substances or petroleum products.

(D) **Remedy of Fire Hazards.** The Fire Chief of the fire protection district or any municipal official whose duty it is to investigate fires may make investigations authorized by sections 9 through 9e of the Illinois Fire Investigation Act (**425 ILCS 25/9 through 425 ILCS 25/9e**). If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair, or for any other cause is especially liable to fire or is liable to cause injury by collapsing or otherwise, such officer shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of such notice may be made in person or by registered or certified mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.

(Ord. No. 2005-01; 03-07-05)

ARTICLE II - RESERVED

ARTICLE III - SETBACK LINES

6-3-1 DEFINITIONS AND RULES OF CONSTRUCTION. For the purpose of this Article, certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed to be used or occupied".

(A) **Accessory Building.** A subordinate building, the use of which is incidental to that of the main building, and which is located on the same lot as the main building.

(B) **Accessory Use.** A subordinate use which is clearly and customarily incident to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to locate elsewhere.

(C) **Alterations.** As applied to a building an alteration is a change or rearrangement in the structural parts or in the exit facilities; or an enlargement whether by extending on a side or by increasing height; or the moving from one location or position to another.

(D) **Building.** Is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property; including mobile homes, tents, lunch wagons, dining cars, camp cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition, "roof" shall include an awning or other similar covering, whether or not permanent in nature. The term "building" shall also include sheds, storage bins, platforms and decks.

(E) **Building, Front, Rear or Side Line Of.** The line of that face of the building nearest the front, rear or side line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, platforms and decks but does not include steps.

(F) **Building, Principal.** A building in which is conducted the main or principal use of the lot on which said building is situated.

(G) **Reserved.**

(H) **Reserved.**

(I) **Lot.** Means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

(J) **Mobile Home.** A structure designed for permanent habitation and so constructed as to permit its transportation on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term "mobile home" shall include manufactured home constructed after **June 30, 1976**, in accordance with the **Federal "National Manufactured Housing Construction and Safety Standards Act of 1974"**. (See 210 ILCS Sec. 115/2.1)

(K) **Nonconforming Building.** A building lawfully existing at the time of adoption of this Article, or any amendment thereto, and which does not conform to the regulations of this Article, or any amendment thereto.

(L) **Nonconforming Use.** A use which lawfully occupied a building or land at the time of adoption of this Article, or any amendment thereto, and which does not conform with the regulations of this Article.

(M) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.

(N) **Reserved.**

(O) **Yard, Front.** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building

projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

(P) **Yard, Rear.** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot, or the centerline of the alley if there is an alley and the rear line of the building.

(Q) **Yard, Side.** An open unoccupied space on the same lot with a main building situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

(Ord. No. 2000-02; 05-09-00)

6-3-2 REGULATION. Except as hereinafter provided:

(A) No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified.

(B) Except as allowed by paragraph (C) of this Section, no building shall hereafter be erected or altered to have a narrower or smaller setback as follows:

Front Yard	4 feet
Side Yard	4 feet
Rear Yard	4 feet

(C) No front yard or side yard is required for a building that has a common foundation with adjacent buildings, the wall facing the street is made of brick, is located along either State Street or Washington Street and is located in either Block 14, 15, 22, 23, or 24 in the original town of Westfield.

(D) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Article shall be included as a part of a yard or other open space similarly required for another building.

6-3-3 NONCONFORMING USE REGULATIONS.

(A) The lawful use of any building existing at the time of the passage of this Article may be continued, although such use does not conform with the provisions of this Article.

(B) A nonconforming use shall not be extended, but the extension of a lawful use to any portion of the building designed for a nonconforming use which existed prior to the enactment of this Article shall not be deemed the extension of such nonconforming use. Any such valid extension must meet the side yard, front yard and rear yard requirements.

(C) A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost **fifty percent (50%)** of the current fair value of the building unless said building is changed to a conforming use. The limitations herein provided shall not prohibit the restoration to a safe condition of any building or portion thereof declared unsafe by a proper authority.

(D) If a nonconforming use has ceased, it shall not be reestablished.

(E) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use shall not be substituted or added to another nonconforming use.

6-3-4 ENFORCEMENT. The terms of this Article shall be enforced by the Village police. **(See 65 ILCS Sec. 5/11-14-2)**

6-3-5 PERMITS. It shall be unlawful to establish any use of a building or land, either by itself or in addition to another use, or to erect a new building, or part thereof, or to rebuild, structurally alter, add to or relocate any building, or part thereof, without obtaining a building permit from the Village Clerk in accordance with the following regulations:

(A) Application for permits shall be filed in written form with the Village Clerk, shall state the legal description of the property, the name and address of the owner, the applicant, the contractor, shall describe the uses to be established or expanded and shall give such information as may be required by this Article for its proper enforcement.

(B) All applications shall be accompanied by a dimensioned drawing of the building plot showing the location of buildings and of lot areas to be used.

(C) Each permit issued for a main building shall also cover any accessory buildings constructed at the same time on the same premises, and such permit shall be posted in plain sight on the premises for which it is issued until completion of construction.

(D) Any work authorized by permit but not substantially started within **ninety (90) days** shall require a new permit. A permit shall be revoked by the Village Clerk when he or she shall find from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated.

(E) All applications and a copy of all permits issued shall be systematically filed and kept by the Village Clerk in his or her office for ready reference.

(F) To partially defray expenses of administering the Article, a fee where required shall be charged for each permit and collected by the Village Clerk, who shall account for the same to the Village. The fee for each permit shall be **Five Dollars (\$5.00)**. There shall be no refund of any permit fees paid hereunder. The fee for each permit shall be **Forty-Five Dollars (\$45.00)** if the construction commences prior to the submission of the proper application and issuance of a permit. There shall be no permit charge for each permit application made by any church, governmental unit or non-profit organization.

6-3-6 INTERPRETATION. In their interpretation, the provisions of this Article shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, and the general welfare. Wherever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

It is not intended by this Article to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land. Where this Article imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contractor or deed, the provisions of this Article shall control.

6-3-7 AMENDMENTS. This Article may be amended from time to time by ordinance after this Ordinance has gone into effect, but no amendment shall be made without a hearing before a commission or committee designated by the corporate authorities of the Village. A notice of the time and place of such hearing shall be given at least once, not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing, by publishing a notice thereof in **one (1)** or more newspapers published in the Village, or, if no newspaper is published in the Village, then in **one (1)** or more newspapers with a general circulation within the Village. An amendment shall not be passed except by favorable vote of **two-thirds (2/3)** of the members of the Board of Trustees then holding office. **(See 65 ILCS Sec. 5/11-14-3)**

6-3-8 VIOLATIONS AND PENALTIES.

(A) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Article shall be

fined

not

less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) In case any structure is erected or constructed in violation of this Article, the proper officers of the Village, in addition to other remedies, may institute any appropriate action or proceeding:

- (1) to prevent the unlawful erection or construction;
- (2) to restrain, correct or abate the violation;
- (3) to prevent the occupancy of the structure; or
- (4) to prevent any illegal act, conduct, business, or use in or about the premises.

(See 65 ILCS Sec. 5/11-14-4)

6-3-9 **VALIDITY.** Should any article, section, clause or provision of this Article be declared by court to be invalid, the same shall not affect the validity of this Article as a whole or any part thereof other than the part so declared to be invalid.