

CHAPTER 6

BUILDING REGULATIONS

ARTICLE I – BUILDING PERMIT

6-1-1 BUILDING PERMIT FEE. No person shall build any shelter, building or other structure within the Village of Energy without first obtaining a **Twenty-Five Dollar (\$25.00)** permit from the Village Hall. **(Ord. No. 98-14; 09-22-98)**

ARTICLE II – DANGEROUS BUILDING

6-2-1 DEFINITIONS. The term “dangerous buildings”, as used in this Article is hereby defined to mean and include:

(A) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants of it or neighboring structures.

(B) Any building, shed, fence, or other man-made structure which, 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) Any building, shed, fence, or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure.

(D) Any building, shed, fence or other man-made structure, which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the Village is hereby declared to be a nuisance.

6-2-2 PROHIBITION. 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 of any dangerous building to permit the same 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.

6-2-3 ABATEMENT. Whenever the Building Inspector, the Code Enforcement Officer, the Fire Marshal or the Health Officer shall be of the opinion that any building or structure in the Village is a dangerous building, he shall file a written statement to this effect with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following terms:

“To _____ (owner-occupant of premises) of the premises known and described as, _____:

You are hereby notified that _____
(describe building) on the premises above mentioned 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)

"You must remedy this condition or demolish the building immediately, or the Village will proceed to do so."

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists, within **ten (10) days** from the time when this notice is served upon such person, by personal service or registered mail, the Code Enforcement Officer or the Building Inspector may, upon the orders of the _____ and the _____, proceed to remedy the condition or demolish the dangerous building.

6-2-4 FIRE LIMITS. Any frame building or structure within the Village which has or may be damaged by fire, decay or other causes to the extent of **fifty percent (50%)** of its value, shall be torn down and removed, or rebuilt with non-flammable walls.

Upon written notice by the Mayor to the effect that such building has been so damaged, filed with the Clerk, the Clerk shall notify the Village Board of the receipt of such notice.

The Mayor shall then appoint **three (3) persons** to determine whether or not such building or structure has been damaged to the extent of **fifty percent (50%)** of its value.

A copy of the notice of the appointment of this Board of **three (3) persons** to determine the damage shall be served upon the owner of the premises by personal service or by registered mail, at his last known address.

ARTICLE III – STORAGE BUILDINGS

6-3-1 BUILDING PERMIT. Any person, firm or corporation who constructs, erects or operates storage buildings, lockers, garages or similar buildings for hire/profit shall first obtain a building permit and license from the Village by application in writing with the Village Clerk. **(Res. No. 2009-11; 11-24-09)**

6-3-2 APPLICATION. The application shall contain the proposed location, payment of a fee equal to **Twenty-Five Cents (\$0.25)** per square foot of storage space, pro-rated on an annual from **January 1**, State or Federal tax numbers as required, and proof of insurance.

6-3-3 ISSUE OR DENY APPLICATION. After consideration of the information on the application and investigation of the applicant, the Mayor shall determine if the application is satisfactory and issue or deny the license.

6-3-4 LICENSE RENEWED ANNUALLY. The license shall be renewed annually by payment of **Twenty-Five Cents (\$0.25)** per square foot of space constructed. Any license issued shall be subject to suspension and revocation for failure to abide by any Village ordinance or State statute or regulation.

6-3-5 PENALTY. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this Article shall be subject to a penalty as provided in **Section 1-1-20** of this Code.

(Ord. No. 1996-15; 09-10-96)

ARTICLE IV – MULTI-FAMILY APARTMENTS

6-4-1 DEFINITIONS. For the purpose of this Article, the following definitions shall apply:

"Dwelling". A structure used for human occupancy (whether built on or moved onto the site).

"Multi-Family Dwelling". Structures in design in which **one (1)** or more than **one (1) family** resides. Multi-family and multi-unit dwellings, apartments and apartment buildings, shall share the same meaning for the purpose of this Article.

"Family". An individual, or **two (2)** or more persons related by blood, marriage, or adoption, or not more than **three (3)** unrelated persons maintaining a common household.

6-4-2 LOCATION OF MULTI-FAMILY DWELLING.

(A) Location of a multi-family dwelling on a property located within the Village shall be permitted if, but only if, the owner of said property has properly completed an application for a multi-family dwelling or apartment permit and the Board of Trustees has approved such application. Applications shall be on forms provided for this purpose by the Village.

(B) The property owner, so applying for a multi-family dwelling permit, must, as a condition precedent, obtain a written consent of each person owning real estate within **one hundred (100) feet** of the property line nearest to such person, which a multi-family dwelling is to be located. In any case, a multi-family dwelling shall not be located within the Village, unless it is located upon real estate which contains within its boundaries **fifteen (15) square feet**.

(C) All construction must comply with any Village housing codes or standards existing or implemented at the time the construction is under way.

6-4-3 REGISTRATION AND PERMIT.

(A) Location of a multi-family dwelling or construction of said structure must be approved by the Board of Trustees through the issuance of a permit by the Village Clerk.

(B) Registration and permit fee shall be **One Hundred Dollars (\$100.00)**.

(C) The application and permit shall describe the dwelling, the specific address or location of the structure. The application must also include a detailed drawing of the real estate on which the structure is to be located. The drawing shall include the location of the structure as it would be located on the real estate. The drawing must include dimensions of the structure. The drawing must include the feet in distance to the nearest property line of the real estate the structure is to be built on, from the outside edge of each side of the structure to its nearest property line. If the structure is changed or the location of the structure is changed on the property after a permit is issued, then the permit issued shall be void and a new application shall be submitted and a new permit may be issued.

(D) Issuance of a permit shall not imply or infer release from the provisions of this Article. A permit shall become null and void when any of the provisions of this Article are violated.

6-4-4 **ENFORCEMENT.**

(A) The provisions of this Article shall be enforced by the Village Board of Trustees by any appropriate legal remedy as in any other wrong or injury provided for in the ordinances of the Village or other laws.

(B) Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

[ED. NOTE: Penalty provisions are found in Section 1-1-20 of the Village Code.]

(Ord. No. 1997-13; 10-14-97)

ARTICLE V – COMMERCIAL DEVELOPMENT

6-5-1 **PERMIT REQUIRED.** Any commercial or business development or construction in a block or area of the Village which is at least **fifty percent (50%)** residential shall require a permit from the Village Board.

6-5-2 **APPROVAL OF PERMIT.** Permits will be issued upon application in writing to the Village Clerk and after hearing and approval before the Village Board. Approval will be made for those uses compatible with the neighborhood and the uses therein.

(Ord. No. 1996-7; 03-26-96)

ARTICLE VI – MODULAR HOME CODE

6-6-1 **DEFINITIONS.**

"Modular Home" (also known as "Manufactured Housing" or "manufactured housing unit"), means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for **one (1)** or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation.

"Permanent Foundation" means a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does exclude the use of piers.

6-6-2 **RESTRICTIONS.**

(A) **Date of Manufacture.** The modular home must have been manufactured within **three (3) years** of the date of application for placement in the Village.

(B) **Square Footage.** All modular homes must have no less than **twelve hundred (1,200) square feet** of interior living area as designed and constructed by the manufacturer. This figure does not include any post-manufacture additions or modifications.

(C) **Lot.** The minimum lot size for any modular home shall be no less than **five thousand (5,000) square feet**; provided, however, the lot shall be at least **fifty (50) feet** wide and at least **one hundred (100) feet** deep. No modular home shall be located within **fifteen (15) feet** of any lot line, or closer than **twenty-five (25) feet** of an existing building.

6-6-3 APPLICATION AND PERMIT.

(A) **Application.** Individuals seeking the placement of a modular home within the Village must submit a completed application form to the Village, this application form will be provided by the Village. The application form will require a description of the modular home by square footage, manufacturer, and date of manufacture as well as the proposed location of said modular home and any other information required by the Village.

(B) **Notice Requirement.** Once a completed application is received by the Village, the Clerk shall post a public notice in a newspaper of record informing the general public of the date and time of the meeting of the Village Board of Trustees where said application will be considered. This notice shall indicate that an application for the placement of a modular home within the Village has been received, the name of the applicant(s), the proposed location for placement of the modular home, and that said application will be considered by the Village Board of Trustees. The citizens of the Village will have the opportunity to make comments regarding the application within the discretion of the Mayor at said meeting. If the Board of Trustees approves the application, a permit may be issued.

(C) **Fee.** The fee for said application will be **Twenty-Five Dollars (\$25.00)**, plus the cost of publication.

(D) **Release and Waiver.** Issuance of said permit shall not imply or infer release or waiver of any other provision of this or any other ordinance for the Village. A permit shall become null and void if any provision of this or any other application ordinance is violated.

6-6-4 ENFORCEMENT. The Village Board of Trustees shall enforce the provisions of this Article by an appropriate legal remedy as provided for in the ordinances of the Village.

(Ord. No. 98-13; 09-22-98)

ARTICLE VII – GENERAL PROVISIONS

6-7-1 LOT SIZE. Non-subdivision, residential lots shall be at least **four thousand (4,000) square feet**.

6-7-2 LOT WIDTH. Minimum **fifty (50) feet**.

6-7-3 SETBACK. House: Front yard – **twenty-five (25) feet** or in line with existing neighborhood. Side yard – **ten (10) feet**. Back yard – **twenty-five (25) feet**. Accessory buildings: must be placed no less than **eight (8) feet** from lot lines.

6-7-4 LOT COVERAGE. All buildings, including accessory buildings shall not cover more than **forty percent (40%)** of the area of the lot.

6-7-5 PARKING. Off-street parking shall be provided.

(Ord. No. 13-09; 12-10-13)

ARTICLE VIII – SWIMMING POOLS

6-8-1 PURPOSE. The provisions of this Article shall control the location, type, water quality and design of barriers for residential swimming pool, spas, and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas, and hot tubs.

6-8-2 DEFINITIONS. For the purposes of this Article, the terms used shall be defined as follows:

- (A) **Above-Ground/On-Ground Pool.** See definition of swimming pool.
- (B) **Barrier.** A fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.
- (C) **Hot Tub.** See definition of swimming pool.
- (D) **In-Ground Pool.** See definition of swimming pool.
- (E) **Residential.** That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than **three (3) stories** in height.
- (F) **Spa, Non-portable.** See definition of swimming pool.
- (G) **Spa, Portable.** A non-permanent structure intended for recreational bathing, in which all controls, water-heating, and water-circulating equipment are an integral part of the product and which is cord-connected (not permanently electrically wires).
- (H) **Swimming Pool.** Any structure intended for swimming or recreational bathing that contains water over **twenty-four (24) inches** deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.
- (I) **Swimming Pool, Indoor.** A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.
- (J) **Swimming Pool, Outdoor.** Any swimming pool which is not an indoor pool.

6-8-3 LOCATION AND STRUCTURAL DESIGN.

- (A) **Location.** No swimming pool shall encroach on any front or side yard required by the governing subdivision and zoning ordinances. A wall of a swimming pool shall not be located less than **six (6) feet** from any rear or side property line or **ten (10) feet** from any street property line.
- (B) **Structural Design.** The pool structure shall be engineered and designed to withstand the expected forces to which the pool will be subjected.
- (C) **Wall Slopes.** To a depth up to **two (2) feet nine (9) inches** from the top, the wall slope shall not be more than one unit horizontal in five units vertical (1:5).
- (D) **Floor Slopes.** The slope of the floor on the shallow side of the transition point shall not exceed one unit vertical to seven units horizontal (1:7). The transition point between shallow and deep water shall not be more than **five (5) feet**.
- (E) **Surface Cleaning.** All swimming pools shall be provided with a recirculation skimming device or overflow gutters to remove scum and foreign matter from the surface of the water. Where skimmers are used for private pools, there shall be at least one skimming device for each **one thousand (1,000) square feet**. Overflow gutters shall not be less than **three (3) inches** deep and shall be pitched to a slope of one unit vertical to 48 units horizontal (1:48) toward drains, and constructed so that such gutters are safe, cleanable, and that matter entering the gutters will not be washed out by a sudden surge of entering water.
- (F) **Steps and Ladders.** At least one means of egress shall be provided from private pools. Treads of steps and ladders shall have slip-resistant surfaces and handrails on both sides, except that handrails are not required where there are not more than four steps or where the steps extend the full width of the side or end of the pool. Treads and risers of the pool steps shall conform to the following:

- (1) Step treads shall have a minimum unobstructed horizontal depth of **ten (10) inches** and a minimum unobstructed surface area of **two hundred forty (240) square inches**.
- (2) Risers shall have a maximum uniform height of **twelve (12) inches** as measured at the centerline of the tread. The height of the bottom riser shall not vary more than plus or minus **two (2) inches** from the uniform riser height.

6-8-4 WATER SUPPLY. The swimming pool owner shall be responsible for providing the swimming pool with a potable water supply, free of cross connections with the pool or ITS equipment. Private swimming pools shall be designed and installed so that there is a pool water turnover at least once every **eighteen (18) hours**. Filters shall not filter water at a rate in excess of **five (5) gallons** per minute per square foot of surface area. The pool owner shall be responsible for being instructed in the care and maintenance of the pool by the supplier or builder, including treatment with high-test calcium hypochlorite (dry chlorine), sodium hypochlorite (liquid chlorine), or equally effective germicide and algaecide, and the importance of proper pH (alkalinity and acidity) control. The swimming pool and equipment shall be equipped to be emptied completely of water and the discharged water shall be disposed of in an approved manner that will not create a nuisance to adjoining property.

6-8-5 APPURTENANT STRUCTURES AND ACCESSORIES. All appurtenant structures, installations, and equipment, such as showers, dressing rooms, equipment houses, or other buildings and structures, including plumbing, heating, and air conditioning systems, shall comply with all applicable codes and ordinances. All swimming pool accessories shall be designed, constructed, and installed so as not to be a safety hazard. Installations or structures for diving purposes shall be properly anchored to ensure stability.

6-8-6 ENCLOSURES FOR PRIVATE SWIMMING POOL, SPAS, AND HOT TUBS. An outdoor private swimming pool, including an in-ground, above-ground, or on-ground pool, hot tub, or spa shall be provided with a barrier which shall comply with the following:

(A) A wall or fence enclosure of **four (4) feet** minimum height shall be constructed to completely enclose the pool area for all swimming pools built below the ground level and those swimming pools built above ground level of less than **four (4) feet** in height, as well as all hot tubs and spas. These fences shall be equipped with self-closing and self-latching devices placed in such a manner as to be an effective barrier to small children. Openings in the barrier shall not allow passage of a sphere **four (4) inches** in diameter or larger.

(B) All above ground swimming pools of **four (4) feet** height or more need not have an additional fence or a wall enclosure. Each of these pools, however, shall have retractable ladders installed in such a way as to be an effective barrier to small children. It shall be the responsibility of the owners, tenants, or agents of said pools to enforce to provisions of this Section and to see that said retractable ladders are effective barriers to small children.

6-8-7 LOCATION PERMIT REQUIRED. Prior to the commencement of any construction or installation of a swimming pool, a building/location permit shall be secured from and returned to the Village for approval by the Board. The fee for a location permit shall be the same as for other types of construction in the Village, but in no instance shall the fee for the permit be less than **Twenty-Five Dollars (\$25.00)**.

6-8-8 LIABILITY OF AGENT OR TENANT FOR VIOLATION. Any person in possession of the property, either as agent or tenant in any manner or form shall be equally liable with the owners of said property for the violation of this Article.

(Ord. No. 2018-4; 04-24-18)

ARTICLE IX – FENCES, WALLS AND HEDGES

6-9-1 **GENERALLY.** Fences, walls, or hedges used for any purpose shall in all districts conform to the following:

(A) For the purpose of minimizing traffic hazards at street intersections by improving visibility of converging vehicles, obstructions higher than **two (2) feet** above the adjacent top of the curb or street elevation, whichever is higher, shall not be permitted to be planted, placed or erected on any corner lot. A triangular space shall be maintained on a corner lot, free from any kind of obstruction.

(B) No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in agriculture districts.

(C) Fences and temporary structures (including planters, flower beds), constructed or erected within any public easement or right-of-way must be authorized by the governing authority on a case by case basis, and if not authorized, shall be removed.

(D) Fences located in the required front yard setback shall not be greater than **four (4) feet** in height.

(E) Fences not in the required front yard setback area shall not be greater than **six (6) feet** in height.

(Ord. No. 19-2; 04-09-19)