

**ORDINANCE NO. 190**

(as Amended by 229, 242, 272, 274\*, 275, 302 & 311)

*\*Validating Ordinance*

AN ORDINANCE TO BE KNOWN AS THE ELSAH HISTORICAL AND PRESERVATION ORDINANCE DESIGNATING CERTAIN AREAS, PLACES, BUILDINGS AND STRUCTURES AS HAVING A SPECIAL HISTORICAL, COMMUNITY AND AESTHETIC INTEREST AND VALUE AND PROVIDING FOR SPECIAL CONDITIONS, THE IMPOSE OF REGULATIONS GOVERNING CONSTRUCTION, ALTERATION, DEMOLITION AND USE AS WELL AS PROVIDING OTHER MEASURES FOR THEIR PRESERVATION, PROTECTION, ENHANCEMENT, REHABILITATION, RECONSTRUCTION, PERPETUATION AND USE

WHEREAS, the Village of Elsay, County of Jersey, State of Illinois, founded by General James Semple in 1853, was during its early years an important river port, which period saw the construction of many of its present buildings of native limestone, that, with somewhat later nineteenth century structures form a cohesive pattern of middle and late nineteenth century mid-western culture, and that still contain special historical, architectural, community, and aesthetic interests and values, and further that the preservation and utilization of such are necessary and desirable to sound community planning for the Village of Elsay and the welfare of its residents as well as for the citizens of the State of Illinois and of the United States of America, and

WHEREAS, the legislature of the State of Illinois has granted power to municipalities to provide for their designation by ordinance and power to provide special conditions, impose regulation governing construction, alteration, demolition and use, to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation and use, and

WHEREAS, it is highly desirable and within the exercise of police power to provide special conditions, regulations and other measures reasonable and appropriate to the preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation and use of such areas, places, buildings, structures, works of art and other objects,

BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF ELSAH, JERSEY COUNTY, ILLINOIS, AS FOLLOWS, TO-WIT:

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*Compiled by Village Clerk, Cindy Ira 2/8/2010 – **Reviewed and Revised** by Ordinance Committee under direction of Attorney James Sinclair 10/24/14. This document is a compilation prepared pursuant to the authority of Section 7 of Ordinance No. 311.*

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Section One. Purpose of Ordinance. *(Section added by Amending Ordinance 229 – Dated 6/9/1987)*

The purpose of this Ordinance is to promote the education, cultural, economic and general welfare of the community as follows:

- a. To provide a mechanism to identify and preserve the distinctive historic, architectural, and/or landscaping characteristics of Elsayh which represent elements of the Village's cultural, social, economic, political and architectural history and character;
- b. To balance and improve the interests of residents, homeowners, and businesses by assuring that alteration of any improvements is performed in a manner that is consistent with the Village's historic and architectural character, and to protect past and future investments by residents, property owners and businesses;
- c. To stabilize and improve property values within Historic Elsayh;
- d. To create an atmosphere and character consistent with the historic development of the Village;
- e. To foster civic understanding and pride in Elsayh's history and architecture;
- f. To foster and encourage preservation, restoration and rehabilitation.

Section Two. Definitions. *(Section added by Amending Ordinance 229 Dated 6/9/1987, Renumbered by Amending Ordinance 272 dated 12/12/2000) (Amending Ordinance 302 added the definition of Landscaping as a subsection to the definition of item v. Structure below.)*

- a. Alteration. Any act or process requiring a building permit that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, removal of any structure, or excavation on any property.
- b. Area. A specific geographic division of the Village of Elsayh.
- c. Building. As defined in Ordinance 181.
- d. Certificate of Appropriateness. A certificate issued by the Zoning Board indicating its approval of plans for alteration, construction, removal or demolition of a structure within Historic Elsayh.
- e. Certificate of Economic Hardship. A certificate issued by the Zoning Board authorizing an alteration, construction, removal or demolition even though a Certificate of Appropriateness has previously been denied.
- f. Zoning Board. The Elsayh Zoning Board.
- g. Commissioner. The Elsayh Building Commissioner. Unless the Village Board appoints another person to serve as Building Commissioner, the Chairperson of the Elsayh Zoning Board will act as the Building Commissioner. *(Amended by Amending Ordinance 272 dated 12/12/2000)*
- h. Construction. The act of building a new structure or adding an addition to a structure that requires a building permit. This term specifically shall include the building of a new principal or detached accessory structure on a lot or property and shall include excavation on a property.
- i. Village Board. The Elsayh Village Board of Trustees.
- j. Demolition. Any act or process which destroys in part or in whole a

structure or improvement within the Historic Elshah.

- k. Design Criteria. A standard of appropriate activity that will preserve the historic and architectural character of Elshah.
- l. Exterior Architectural Appearance. The architectural character and general composition of the exterior of a structure, including but not limited to, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, illumination, ornamental details, signs and appurtenant elements.
- m. Historic Elshah. The area listed on the National Register of Historic Places, and attached hereto as Exhibit A.
- n. Improvement. Any visible built feature on a property, such as, but not limited to, landscaping or paving, that is not a structure.
- o. Owner of Record. The person or corporation or other legal entity whose name appears on the records of the Jersey County Recorder of Deeds as the title holder.
- p. Permanent Sign. A permanent sign is one which is permanently affixed or mounted on a structure, building, post, or pole and is displayed twenty four (24) hours per day, seven (7) days per week. *(Added by Amending Ordinance 272 dated 12/12/2000)*
- q. Property. Land and improvements identified as a separate lot for purposes of the platting and zoning regulations of the Village of Elshah.
- r. Rehabilitation. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
- s. Removal. Any relocation of a structure on its site or to another site.
- t. Repair. Any change that is not alteration, demolition, removal or construction.
- u. Signs. As defined in Ordinance 181..
- v. Structure. As defined in Ordinance 181.

- Landscaping. The planting of flowers, shrubs, trees; outlining of garden beds with brick, natural stone or natural wood; minor grade changes that do not impact adjacent property; natural stone walls, either dry stack or mortared, up to 24 inches tall; and garden walkways. Landscaping in the foregoing definition does not constitute a "structure" under the terms of this ordinance. A Certificate of Appropriateness is not required for landscaping within the foregoing definition. *(Added by Amending Ordinance 302 dated 10/13/2009)*

SECTION THREE - Designation *(Section renumbered and renamed by Amending Ordinance 229 - Dated 6/9/1987)*

All areas, places, buildings, structures, works of art and other objects individually and collectively, whether owned or controlled privately or by any public body located within that part of the Village of Elshah, marked as Historic Elshah on the map attached hereto and made a part hereof, are hereby designated as areas, places, buildings, structures, works of art or other objects having a special historical architectural, community or aesthetic interest and value.

Section Four. Review of Applications for Construction, Removal, Alteration or Demolition. *Section IV was deleted and a new Section Four (including (c)(1) as amended was added to read as follows by Amending Ordinance 229 – Dated 6/9/1987*

- a. Permits for construction, removal, alteration or demolition within Historic Elsah shall not be issued by the Building Commissioner without the applicant first having obtained a Certificate of Appropriateness from the Zoning Board, or from the Village Board after an appeal under Section Eight.
- b. An application for a permit for construction, removal, significant alteration or demolition within Historic Elsah, must be filed at least seven (7) days before the next scheduled meeting of the Zoning Board in order to be considered at that meeting.  
Applications received less than seven (7) days before a scheduled Zoning Board meeting will be considered at the next subsequent meeting of the Zoning Board. Prior to the scheduled meeting of the Zoning Board, the application will be forwarded to the members of the Zoning Board for review of the application for a permit. Any applicant may request a meeting with the Zoning Board before an application is filed for consideration and formal action by the Zoning Board and may consult with the Zoning Board during its review of the application. Applicants will be informed of the meeting at which the application will be considered by the Zoning Board at the time the application is filed. The Village and Zoning Board may establish other procedures and rules for the processing of applications. *(Revised and Amended by Amending Ordinance 272 dated 12/12/2000)*
- c. Review Criteria. In making a determination whether to issue or deny a Certificate of Appropriateness, the Zoning Board shall consider, among other things, the effect of the proposed construction, alteration, removal or demolition upon the historic, aesthetic or architectural value, characteristics and significance of the property, structure or improvements within Historic Elsah. The criteria to be used by the Zoning Board in making its determination shall include, but not be limited to, the following:
  - (1) All property within the designated areas will retain, insofar as possible, an exterior architectural appearance appropriate to the prevailing historical architecture of the Village of Elsah, Illinois, and any new construction or alteration in the designated area shall be designed and constructed, insofar as possible, with essentially the same exterior architectural appearance as was the original structure that was located on the same premises, or a subsequent historic structure that contributed to the historic character of the Village.
  - (2) The maintenance of the significant original qualities or character of the property, structure or improvements, including, if significant, its landscape. The removal or alteration of any historic or distinctive architectural features should be avoided whenever possible.
  - (3) The compatibility of the architectural style and design detailing of the proposed construction, alteration or addition or repair with the original architecture of the property or structures within Historic Elsah.

- (4) The compatibility of the general design, arrangement, scale, texture or materials of the construction or alteration or addition, with the historic, aesthetic or architectural values, characteristics and significance of Historic Elsay.
- (5) The relationship of the location of the construction, alteration, or removal to the streets, public or semi-public ways and any other structure or property within Historic Elsay.
- (6) Construction, alteration and demolition shall be undertaken only in accordance with the following standards:
  - (a) Every reasonable effort shall be made to minimize alteration of the property, structure or site and its environment.
  - (b) All property and structures shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - (c) Changes which may have taken place in the course of time are evidence of the history and development of a property, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  - (d) Distinctive stylistic features or examples of skilled craftsmanship which characterize a property, structure, or site shall be treated with sensitivity.
  - (e) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material need not be identical to but should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures. (*"color" deleted by Amending Ordinance 272 12/12/2000*)
  - (f) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
  - (g) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
  - (h) Contemporary design for new construction, alterations and additions to existing properties or structures shall not be discouraged in the absence of satisfactory information about previous historic structures or when a clearly exceptional example of contemporary architecture compatible with the historic character of the historic district is proposed and when such construction, alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material and character of the property, neighborhood or environment. (*"color" deleted by Amending Ordinance 272 12/12/2000*)
  - (i) Wherever possible, new additions or alterations to structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.

(j) Exterior lighting of and upon structures shall be limited to the minimum necessary for safety of residents and occupants of the structure and shall not be designed, used or placed upon or about the structure in a manner which causes excessive illumination of the structure or surrounding properties.

7. New construction shall duplicate as nearly as possible the exterior architectural appearance of the last documented historic structure located on the site. Consideration must be given to the documented historic structure's height, bulk dimensions, roof shape, window and door treatment, construction materials, setbacks from the street, side yards and rear yards.

Section Five. Signs. *(Portions of Section Five "Signs" had been previously amended. However, the ENTIRE SECTION was replaced by Amending Ordinance 272 dated 12/12/2000)*

- a. A Certificate of Appropriateness shall be required prior to display of any permanent sign in Historic Elsah. No sign, whether temporary or permanent, shall obstruct any street, sidewalk or other public way from pedestrian or vehicular traffic or in a manner such that a person walking, using a wheelchair, or using another walking aid would be restricted in the ability of such a person to use a sidewalk. Signs may not be installed in a manner which makes any sidewalk or passageway inaccessible and all applicable state and federal accessibility standards and regulations shall be maintained, which shall be not less than a thirty six (36) inch wide pathway and a five (5) foot turning radius for the entry to buildings and where turns are required to be made in a wheelchair or with a walking aid. Issuance of a Certificate of Appropriateness by the Zoning Board shall be based on the following provisions.
- b. The provisions of this Section Five regarding signs shall, in accordance with 65 ILCS 5/11-13-1(12) (effective January 1, 2011), have no applicability to outdoor political campaign signs on residential property except that such signs may not exceed four (4) square feet in size. Political signs on nonresidential property shall be governed by the requirements of Section Five for other types of signs within Historic Elsah. *(Subsection b. this paragraph added by Amending Ordinance 311 dated 9/16/2010)*

#### 1. Projecting Signs

Projecting or overhanging signs shall be permitted in Historic Elsah only when in compliance with the following requirements:

- (a) All mounting brackets and other hardware used to mount a projecting sign shall be concealed by the sign or integrated into the design of the sign.
- (b) Projecting signs shall not exceed two (2) feet by two and one-half (2 1/2) feet in size and the maximum area for the projecting signs is five (5) square feet per side.

(c) Where mounted above any street, alley, sidewalk, path, walkway, or other public way the bottom of any projecting sign shall be at least seven (7) feet above the level of any such street, alley, sidewalk, path, walkway, or other public way at the location of the sign. *(Replaced by Amending Ordinance 275 dated 2/13/2001)*

(d) The inner edge (the edge of the sign nearest the structure on which it is mounted) of a projecting sign may not extend or project more than three (3) feet from the wall or other surface of the building or structure on which it is mounted and must be secured at an angle of ninety (90) degrees.

(e) A projecting sign on a pole is permitted provided that it meets the foregoing requirements.

## 2. Illuminated Signs

Illuminated signs shall be permitted in Historic Elsay only when in compliance with the following requirements:

(a) Internal illumination, luminous signs, or sign light from within are not permitted.

(b) Flashing signs are not permitted.

(c) Illumination may only be provided by external illumination shining directly on the sign.

(d) Illumination must be provided by white light. Colored lights, except when used for temporary seasonal decorations, are not permitted.

(e) Sources of illumination must be concealed or otherwise designed or arranged so as not to create glare for pedestrians, visitors, or business patrons, or neighboring residents.

## 3. Ground Signs

Ground signs shall be permitted in Historic Elsay only when in compliance with the following requirements:

(a) All ground signs shall be located completely within the boundaries of the property on which the sign is located and shall pertain only to an activity or business conducted on the property unless otherwise expressly approved by the Zoning Board. *(Amended by Amending Ordinance 311 dated 9/16/2010)*

(b) Ground sign panels containing the sign message shall be no wider than four (4) feet, and the maximum sign message area shall not be more than ten (10) square feet.

(c) The top of every ground sign shall be no more than seven (7) feet from

ground level at the sign location.

(d) Ground signs need not be placed in the center of the property frontage, but shall be set back a minimum of three (3) feet from any street or public sidewalk, and shall be at least two (2) feet from any driveway.

(e) No ground sign shall be nearer than three (3) feet to any other sign, building, or structure.

#### 4. Wall Signs

Wall signs shall be permitted in Historic Elsass only when in compliance with the following requirements:

(a) Every wall sign shall be no more than two (2) inches thick, and shall be mounted flat against the wall of the building on which it is placed.

(b) Wall signs may not exceed four (4) feet in any dimension, and the maximum area of the sign shall be twelve (12) square feet.

(c) No portion of any wall sign shall be closer than twelve (12) inches to the corner or edge of a building wall.

#### 5. Porch Valance Signs

Porch valance signs shall be permitted in Historic Elsass only when in compliance with the following requirements:

(a) Porch valance signs shall be no wider than eight (8) inches, and the maximum area shall be six (6) square feet per side.

(b) Porch valance signs shall be attached by chains or metal brackets to the porch fascia or porch columns.

(c) Porch valance signs shall be carefully designed to fit the space between porch columns and to be hung parallel to the line of the porch roof or fascia.

#### 6. Window Signs

The maximum permitted area for permanent and temporary window signs shall be twenty five (25) percent of the area of the total glass surface on each elevation of the building.

#### 7. Temporary Signs *(Entire wording for #7 (Temporary Signs) was replaced by Amending Ordinance #311 dated 9/16/2010)*

Sandwich board signs, portable signs, flags, banners, yard signs, and similar signs which are not permanent are considered temporary and do not require a Certificate of Appropriateness so long as such signs are not displayed on a

permanent basis and comply with the following provisions. Signs which are temporary may not be displayed as a permanent sign.

(a) Temporary banner signs not exceeding thirty square feet in area pertaining to special village wide events in the Village of Elsau shall be permitted, provided that such signs are posted no earlier than thirty (30) days before the event and removed no later than seven (7) days after the event.

(b) Signs advertising (i) real estate for sale or lease, (ii) construction being performed at a particular location, (iii) special sale, garage or yard sale or other village sponsored or similar special event, or (iv) other signs of a temporary nature such as sandwich board signs, portable signs, or flags are temporary signs. Temporary signs shall only be displayed for the length of time (i) real estate is actually for sale or lease, (ii) three (3) days prior to the special sale, garage or yard sale or other village sponsored or similar special event, or other purpose for which the temporary sign is displayed and no longer than one (1) day after the event concludes.

(c) In R1, R2, and R3 zoning districts, temporary yard signs may not exceed 3 square feet. Sale signs (other than garage/yard sale and real estate signs), streamers and banners are not permitted.

## 8. Historic Signs

If there is documentation of a previous historic sign on a commercial building within Historic Elsau and the original or an accurate reproduction of the sign using similar materials is available, the historic sign will be allowed and a Certificate of Appropriateness issued even though the sign does not otherwise meet the requirements of this Section.

## 9. Materials

Projecting signs, ground signs, wall signs, and porch valance signs shall be constructed of wood or wood-like materials unless they are utilized to meet the accessibility requirements of the laws or regulations of the State of Illinois or the United States, in which case, the sign will be allowed to be constructed of materials required by state or federal law or regulation. Lettering may be painted on the sign or appear as painted material, constructed of wood or metal and be permanently affixed to the sign, or incised, carved or stamped into the sign surface. Plastic will be permitted as a transparent clear plastic which may be used as background material for window signs to which lettering is attached or which is attached to a small portion of an already approved wooden sign to allow changes to be made to the sign from time to time.

Section Six. Review Process for Applicants for Construction, Removal, Alteration or Demolition *(New Section Six is added to read as follows by Amending Ordinance 229 dated 6/9/1987)*

- a. Every application for a Certificate of Appropriateness shall be forwarded to the Zoning Board in accordance with the provisions of Section Four, paragraph b. *(Revised and amended by Amending Ordinance 272 dated 12/12/2000)*
- b. If the Zoning Board finds that the work proposed in the application will not adversely affect any historically or architecturally significant features of the structure or property within Historic Elsay and is appropriate or consistent with the spirit and purposes of the Ordinance, it shall, at the next regular Zoning Board meeting, issue a Certificate of Appropriateness by resolution passed by the concurring vote of four (4) members and forward copies to the owner(s) of record and the Building Commissioner.
- c. The Zoning board shall briefly state its reason therefore in writing and it may make recommendation to the applicant with respect to the appropriateness of the design, arrangement, texture, scale, material, location or other elements of appearance of the building, structure or sign involved. *(Revised and amended by Amending Ordinance 272 12/12/2000)*
- d. In cases of disapproval accompanied by recommendation, the applicant may again be heard before the Zoning Board if within sixty (60) days of the date of receipt of notice of disapproval of the application an amended application to conform with the recommendations is submitted or an application is submitted for a Certificate of Economic Hardship as provided for in Section Seven herein. The applicant shall be heard at the next regular meeting of the Zoning Board after receipt of the amended application, provided, that the amended application is received not less than five (5) days prior to the next regular meeting of the Zoning Board, and the Zoning Board shall approve or disapprove the amended application by resolution accompanied by a finding of facts and statement of reasons.
- e. In the event that the Zoning Board and the applicant fail to resolve differences of opinion after consideration of the amended application, or an application for a Certificate of Economic Hardship pursuant to Section Seven has been filed, under the procedures outlined, the Zoning Board within fifteen (15) days following disapproval of an amended application or receipt of an application for a Certificate of Economic Hardship shall hold a public hearing.
- f. Notice of the date, time, place and purpose of the public hearing shall be sent by regular mail to the applicant, to adjoining property owners, and to all owners of property within the Historic District and also within two hundred fifty (250) feet of the property for which an application has been made. The notice shall be sent not less than ten (10) days prior to the date of the hearing. The notice shall state the location, including a brief description of the proposed alteration, construction, demolition or removal for which an application has been made and the differences of opinion between the applicant and the Zoning

Board.

- g. At the public hearing, the Zoning Board shall take testimony presented by the owner(s) and any other interested persons concerning the effect of the proposed alteration, demolition or removal upon the exterior architectural appearance and the Review Criteria in Section Four herein.
- h. Within fifteen (15) days following completion of the public hearing, the Zoning Board shall issue or deny the Certificate of Appropriateness or of Economic Hardship and transmit copies of its decision to the applicant.

Section Seven. Certificate of Economic Hardship. *(New section added by Amending Ordinance 229 Dated 6/9/1987)*

- a. A Certificate of Economic Hardship shall be issued by the Zoning Board upon a finding by it that all reasonable use of or return from a property within the Historic Preservation District would be denied a property owner as a result of the disapproval of a Certificate of Appropriateness.
- b. The Zoning Board may solicit expert testimony, or the applicant may submit evidence, concerning any of the following items at the time of the required public hearing provided for in Section Six herein.
  - (1) Any substantial decrease in the fair market value of the property as a result of the denial of the Certificate of Appropriateness;
  - (2) Any substantial decrease in the pre-tax or after-tax return to owners of record or other investors in income-producing property as a result of the denial of the Certificate of Appropriateness;
  - (3) Any substantial additional cost of work necessary to comply with the standards and criteria for the issuance of a Certificate of Appropriateness as stated in Section Six herein.
  - (4) In the case of a proposed demolition, the economic feasibility of rehabilitation or reuse of the existing structure or improvement on the property.
  - (5) The ability of the applicant to afford the work required by the Certificate of Appropriateness, as measured by income, net worth, or employment status.
  - (6) Opportunity for the applicant to recoup any additional cost by corresponding increase in property value or decrease in maintenance costs.
- c. The Zoning Board may adopt procedural rules concerning the types of information, evidence or testimony that it considers necessary to make a determination on an Application for a Certificate of Economic Hardship.
- d. Upon a finding by the Zoning Board that without approval of the proposed work all reasonable use of, or return from, a property within the Historic Preservation District will be denied a property owner, then the application shall be delayed for a period not to exceed ninety (90) days. During this period of delay, the Zoning Board shall investigate plans and make recommendations to the Village to allow for a reasonable

use of, or return from, the property, or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to: a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.

- e. If by the end of this ninety (90) day period the Zoning Board has found that without approval of the proposed work the property cannot be put to a reasonable use, or the owner cannot obtain a reasonable economic return therefrom, then the Zoning Board shall issue a Certificate of Economic Hardship approving the proposed work. If the Zoning Board finds otherwise, it shall deny the application for a Certificate of Economic Hardship and notify the applicant within seven (7) days by mail of the final denial.

Section Eight. Appeals. *(New section added by Amending Ordinance 229 Dated 6/9/1987)*

- a. Upon receipt of a final denial of a Certificate of Appropriateness or a Certificate of Economic Hardship by the Zoning Board after a public hearing for a property or structure within Historic Elsay, the applicant may, within fifteen (15) days, appeal the Zoning Board's decision to the Village Board. The Village Board shall affirm, modify, or reverse the decision within sixty (60) days after receiving notice of the appeal, after due consideration of the facts contained in the record of the public hearing and any report submitted to the Village Board by the Zoning Board. The Village Board may receive comments on the contents of the record, but no new matter may be considered by the Board.
- b. Upon a decision by the Village Board that a Certificate of Appropriateness or a Certificate of Economic Hardship shall or shall not be issued, the Village Clerk shall notify the Zoning Board, the applicant and the Building Commissioner within ten (10) days following the decision.
- c. Failure of the Village Board to vote to affirm, modify or reverse the decision of the Zoning Board within sixty (60) days shall be considered a denial of the appeal, and the Village Clerk shall so notify the Zoning Board, the applicant and the Building Commissioner.

Section Nine. Issuance of Permit and Duration. *(New section added by Amending Ordinance 229 Dated 6/9/1987, Then replaced by amending Ordinance 272 Dated 12/12/2000)*

Upon receipt of notice of a final decision of the Zoning Board or the Village Board to issue a Certificate of Appropriateness or a Certificate of Economic Hardship, the Building Commissioner or Chairman of the Zoning Board shall issue the permit within seven (7) days. A Certificate of Appropriateness or a Certificate of Economic Hardship shall be valid for a period of twelve (12) months from its date of issuance. If the construction, removal, alteration, or demolition is not substantially completed (exercised) within the twelve (12) month period from the date of issuance, the applicant must reapply for renewal

of the certificate prior to commencing or continuing any work under the certificate, and, in any event, all work under any certificate must be fully completed within eighteen (18) months from the date of issuance. Certificates which have not been exercised within twelve (12) months from the date of issuance shall automatically expire without notice or action on the part of the Village.

Section Ten. Form of Application for Certificate of Appropriateness. *(Section renumbered & Amended by Amending Ordinance 229 Dated 6/9/1987)*

- a. All applications shall be filed with the Building Commissioner or Chairman of the Zoning Board in substantially the following form:
  - 1. Street address of the property involved.
  - 2. Legal description of the property involved. Brief description of the present improvements situated on the property, including photographs.
  - 3. Detailed description of the construction, alteration, demolition and use proposed together with measured drawings, elevation drawings, and site plan, as well as a sufficient description of the construction, alteration, demolition and use to enable anyone to determine what the final appearance and use of the real estate will be.
  - 4. Name of owner.
  - 5. Name of developer, if different from owner.
  - 6. Name of architect or designer.
- b. Said application shall be submitted to the Elsay Zoning Board for action. The applicant or anyone on his behalf may, by so designating on his application, be present before the Zoning Board with his attorney, architect, contractor or any other person he may choose to have. The Zoning Board shall have the power to grant or deny the permit as submitted or as modified. Any person aggrieved by the decision, including any property owner of the designated area, may appeal the decision of the Elsay Zoning Board to the Village Board of the Village of Elsay, whose decision in this matter shall be final subject only to judicial review as provided by general law.

Section Eleven. Basic Property Maintenance. *(New section added by Amending Ordinance 229 Dated 6/9/1987)*

- a. All property, real estate or improvement thereon within the area officially described in Section Two, whether owned or controlled privately or by any public body, shall receive reasonable care, maintenance and upkeep appropriate for the preservation, protection,

enhancement, rehabilitation, reconstruction, perpetuation or use in compliance with the terms of this Ordinance.

- b. Maintenance of the exterior of a structure shall include the following:
- (1) General. The exterior of a structure shall be maintained structurally sound and sanitary so as not pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.
  - (2) Structural members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
  - (3) Exterior surfaces (foundations, walls and roof). Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.
  - (4) Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
  - (5) Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
  - (6) Roofs. The roof shall be structurally sound, tight, and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portions of the building.
  - (7) Decorative features. All cornices, soffits, brackets, entablatures, belt courses, corbels, wood, stone or masonry trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
  - (8) Signs, marquees, and awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
  - (9) Chimneys. All chimneys, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.
  - (10) Stairs and porches. Every stair, porch, balcony, and all

appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

- (11) Window and door frames. Every window, door, and frames shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.
  - (12) Weathertight. Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.
  - (13) Glazing. Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.
  - (14) Door hardware. Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.
  - (15) Basement hatchways. Every basement or cellar hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.
- c. The Elsay Zoning Board shall give written notification of any violation of this Section of the Ordinance to the owner or lessor or the trustee or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Ordinance. They shall state in the notification in clear precise terms a description or explanation of the violation. The property owner, trustee, lessor, or legally responsible party shall have thirty (30) days in which to correct such violation or to give satisfactory evidence that they have taken steps that will lead to correcting such violation within a stated period of time, which time must be agreeable to the Zoning Board as being fair and reasonable.
  - d. The owner, trustee, lessor or other legally responsible party shall be deemed to be in violation of this Section if after thirty (30) days of written notification by the Zoning Board the violation has not been corrected or is not in the process of being corrected within a reasonable length of time or time in which correction will be made has not been approved by the Zoning Board.
  - e. Each day of violation shall be subject to a fine of not less than \$5.00 nor more than \$20.00 each day such correction has not been made will be deemed a new violation.
  - f. The Zoning Board shall have the power to determine what constitutes a violation.
  - g. The owner, lessor, trustee or legally responsible party who is deemed to be in violation of this Ordinance by the Elsay Zoning Board may on his own behalf or anyone on his behalf may request in writing to the Zoning Board to be present before the Board with his attorney, architect, contractor or other person he may choose to have and ask for a rehearing by the Zoning Board.
  - h. Any person aggrieved by the decision, including the owner, lessor, trustee

or legally responsible party of or for the property or area deemed in violation of this Ordinance may appeal the decision of the Zoning Board to the Village Board of the Village of Elsau, whose decision in this matter shall be final subject only to judicial review as provided by general law.

SECTION TWELVE: Acquisition Powers of Board of Trustees *(Section titled by Amending Ordinance 229 Dated 6/9/1987)*

The Board of the Village of Elsau by resolution of a majority of the Board present at any regular or special meeting shall have authority:

- (a) To induce by contract or other consideration, the creation of covenants or restrictions binding the land.
- (b) To acquire by eminent domain or by other contract or conveyance of all or any part of or interest in property so designated, and the reconstruction, operation or transfer by the Village of Elsau of any such property subject to any conditions reasonable and appropriate to carry out the purpose of this Ordinance.
- (c) To exercise appropriate and reasonable control of the use or appearance of adjacent and immediate surrounding private property within public view.
- (d) To acquire by eminent domain or by other contract or conveyance of immediate surrounding private property, or any part thereof or interest therein, the alteration or clearance of which is important for the proper preservation, reconstruction or use of the designated property.
- (e) To cooperate, including the acceptance of gifts, contracts and conveyances appropriate to the purpose of this Ordinance by and between the Village of Elsau and any other governmental body or agency and by and between the Village of Elsau and not for profit organizations which have as one of their objects the preservation or enhancement of areas, places, buildings, structures, works of art or other objects of special historical, architectural, community or aesthetic interest or value.

SECTION THIRTEEN: Relation to Other Ordinances *(Section renumbered and titled by Amending Ordinance 229 Dated 6/9/1987)*

This Ordinance supplements and is in addition to those provisions set forth in the Zoning Ordinance and the various building codes of the Village of Elsau and nothing herein shall be construed as repealing any requirement relating to the proper wiring, plumbing or construction of any building or structure. All work is to be in conformity with the building codes and Ordinances of the Village of Elsau as now in effect or as provided by Ordinance.

Section 14. Enforcement and Penalties for Violation. *(Section added by Amending Ordinance 229 Dated 6/9/1987, Then replaced by Amending Ordinance 272 Dated 12/12/2000)*

Any person who causes the alteration, construction, demolition, or removal of any property or structure in Historic Elsay without Certificate of Appropriateness or a Certificate of Economic Necessity or who otherwise violates the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) and not more than Seven Hundred Fifty Dollars (\$750.00) for any one offense or required to perform public or community service, or either a fine and public service may be imposed. Each day that such violation shall continue to exist shall constitute a separate offense. In addition to the foregoing penalties, any person found guilty of a violation may be required to correct or reconstruct any building or structure to its condition prior to the violation. Enforcement procedures and authority under this Ordinance will be those provided Article XV, Section 4. of Ordinance 181, as amended, the Zoning Ordinance of the Village of Elsay, including but not limited to, the issuance of notices of violation, stop orders, judicial enforcement, and the availability of equitable relief to address a violation.

Section Fifteen. Severability. *(Section renumbered and amended by Amending Ordinance 229 Dated 6/9/1987)*

If any provision of this Ordinance or application thereof to any person or circumstance is invalid, such invalidation shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section Sixteen. Effective Date. *(Section renumbered and headed by Amending Ordinance 229 Dated 6/9/1987)*

If any provision of this Ordinance or application thereof to any person or circumstance is invalid, such invalidation shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section Seventeen. Publication in Pamphlet Form. *(Section added by Amending Ordinance 272 dated 12/12/2000)*

This Ordinance shall be published in pamphlet form pursuant to the authority of section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4) and not less than three (3) copies of this Ordinance shall be filed in the office of the Village Clerk of the Village of Elsay, Illinois for the use and examination of the public.