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ARTICLE 1 ADMINISTRATION AND ENFORCEMENT GENERALLY

Section 1-1 CODE ADMINISTRATION

The office of Development Code Administrator of the Village of Caseyville is hereby established. The Administrator shall be the executive head of this office. The Board of Trustees may appoint such other employees as may be necessary to carry out the duties of the Administrator's office.

1-1.1 DUTIES:

The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (a) to review and pass upon applications to the Village in regard to all land use matters, including, but not limited to Building Permits, Site Development Permits, Site Inspection Permits, Sign Permits, Special Use Permits, Variances, Zoning Certificates, Certificates of Use and Occupancy, and Amendments to the Code;
- (b) to review and forward to the Planning Commission all subdivision plats and site plans;
- (c) to inspect land, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;
- (d) to review and forward to the Zoning Board of Appeals all applications for variances and appeals;
- (e) to review and forward to the Planning Commission all applications for special use permits, temporary use permits, subdivision variances, and amendments;
- (f) to maintain or cause to be maintained up-to-date records of this Code and related matters including, but not limited to, district maps, Building Permits, Site Development Permits, Site Inspection Permits, Sign Permits, Special Use Permits, Variances, Zoning Certificates, Certificates of Use and Occupancy, recommendations of the Planning Commission, recommendations of the Zoning Board of Appeals, interpretative decisions of the Zoning Board of Appeals, and Amendments to the Code;
- (g) to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the Planning Commission at least once each year;
- (h) to annually publish or cause to be published copies of this Code (including the zoning district map) and any amendments thereto (See: Subsection. 3-A-2.1);
- (i) to provide information to the general public on matters related to this Code; and

- (j) to perform such other duties as the Board of Trustees may from time to time prescribe.

Section 1-2 ADMINISTRATIVE PROCEDURES GENERALLY

This Code incorporates into one legal instrument a wide spectrum of land use and development regulations that are commonly set forth in numerous separate ordinances. Moreover, this Code assigns prime responsibility for administering these diverse regulations to one official: The Administrator. This Code creates the "Initial Certificate of Code Compliance". The Initial Certificate of Code Compliance is a general term for building permit, electrical permit, plumbing permit and sign permit. Furthermore, this Code creates the "Final Certificate of Code Compliance". The Final Certificate of Code Compliance is a general term for Occupancy Permit, Certificate of Zoning Compliance and Mobile Home Inspection for Occupancy Compliance. Fees for these certificates vary considerably, depending upon the size and complexity of the project and the consequent costs of administrative review; the fees are found in Article 2: FEES, as well as, Appendix A and Appendix B of Division I: ADMINISTRATION of this Code.

Issuance of an Initial Certificate of Code Compliance indicates: 1) that the Administrator has determined, based upon the information contained in the application for said certificate, that the proposed work meets the applicable requirements of this Code; and 2) that, therefore, the proposed work may proceed. Issuance of a Final Certificate of Code Compliance indicates: 1) that the Administrator has determined, by inspection, that the completed work meets all applicable Code requirements; and 2) that, therefore, the completed structure or use may be occupied or put into operation. In making these determinations, the Administrator shall consult technically-qualified persons as necessary.

This Code establishes the "corrective action order" as the Administrator's primary means of Code enforcement. Whenever any violation of this Code occurs--whether such violation involves work in progress, a recently completed structure or use, or even an existing structure or use that is not excused from compliance by virtue of the provisions concerning nonconformities--the Administrator shall issue a corrective action order. Any person aggrieved by any corrective action order may appeal to the Zoning Board of Appeals (See: Division I Section 1-10), but while such appeal is pending any alleged offending work in progress must cease or become a separate violation of this Code. Unless an appeal has successfully been taken, failure to obey a corrective action order shall result in revocation of the Certificate of Code Compliance (whether initial or final), and the imposition of penalties and/or court action. (See: Division I Section 1-7).

Section 1-3 INITIAL CERTIFICATES

Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an Initial Certificate of Code Compliance has been issued. The Administrator shall not issue an Initial Certificate of Code Compliance unless, following consultation with technically-qualified persons as necessary (including other Village officials),

he determines that the proposed work conforms to the applicable provisions of this Code.

1-3.1 APPLICATION:

Every applicant for an Initial Certificate of Code Compliance shall submit to the Administrator, the appropriate permit application completed in its entirety with any and all required documents, plans and reports. The Administrator will not complete the review or cause to be completed the review of any permit application that is not complete. Upon notification to the applicant by the Administrator that said application is not complete the applicant has thirty (30) days to complete the application or said application at the end of the thirty (30) day time frame is deemed invalid and the permitting process must begin again from the beginning.

The Administrator, at his discretion may require the submission, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

Items of information to Be Submitted Include:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed structure or use, if different from (a);
- (c) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (d) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (e) area and dimensions of the site for the proposed structure or use;
- (f) existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (g) existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (h) height and setbacks of the proposed structure;
- (i) number and size of proposed dwelling units, if any;
- (j) location and number of proposed parking/loading spaces and access ways;

- (k) identification and location of all existing or proposed utilities, whether public or private; and/or
- (l) any other pertinent information that the Administrator may require.

1-3.2 DURATION OF CERTIFICATE:

Initial Certificate of Code Compliance shall be valid for one year, or until revoked for failure to abide by a corrective action order. The Administrator may renew Initial Certificates of Code Compliance for successive one-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

Section 1-4 FINAL CERTIFICATE OF CODE COMPLIANCE

No lot recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a Final Certificate of Code Compliance has been issued. The Administrator shall not issue a Final Certificate of Code Compliance until he has determined, by inspection, that the work authorized by the Initial Certificate of Code Compliance has been completed in accordance with approved plans.

Section 1-5 CORRECTIVE ACTION ORDER

Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

1-5.1 CONTENTS OF ORDER:

The order to take corrective action shall be in writing and shall include:

- (a) a description of the premises sufficient for identification;
- (b) a statement indicating the nature of the violation;
- (c) a statement of the remedial action necessary to effect compliance;
- (d) the date by which the violation must be corrected (See: Division I Section 1-5.3);
- (e) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (f) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing (See: Division I Section 1-10); and,

- (g) a statement that failure to obey a corrective action order shall result in revocation of the Certificate of Code Compliance and/or the imposition of fines. (See: Division I Section 1-7.)

1-5.2 SERVICE OF ORDER:

A corrective action order shall be deemed properly served upon the owner occupant, or operator of the offending lot, structure, or use if it is:

- (a) served upon him personally;
- (b) sent by registered mail to his last known address; or
- (c) posted in a conspicuous place on or about the affected premises.

1-5.3 STOP ORDERS:

Whenever any work is being done in violation of an Initial Certificate of Code Compliance, the Administrator's corrective action order may state that the violation must cease immediately. (See Division I Section 1-5.1(d)). In such case, the corrective action order is equivalent to a stop order. (See: Division II Section 2-2 [Stop Order].)

Section 1-6 EMERGENCY MEASURES

Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

Section 1-7 ENFORCEMENT AND PENALTIES

- (a) Any person who is convicted of a violation of any section of this Code shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs for each offense. Each day that a violation continues shall be considered a separate offense.
- (b) Any person who aids, abets, assists, counsels, commands or induces the commission of an offense against any section of this Code shall be punished as a principal in such offense.
- (c) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

Section 1-8 PROFESSIONAL SEAL(S)

All plans, drawings, and specifications for the design of new construction work, alteration, repair, expansion, addition or modification work for multi-family, commercial and industrial shall be prepared by registered professional architects and engineers as certified by the State of Illinois and shall bear that architect's or engineer's signature and seal in accordance with the State of Illinois' statutes (225 ILCS 305/2 to 305/40 and 325/1 to 325/49). All fees and costs related to such professional architectural and engineering services shall be borne by the owner or developer.

Section 1-9 ZONING BOARD OF APPEALS

The Zoning Board of Appeals, originally established under the former Caseyville Zoning Ordinance, is hereby reestablished (65 ILCS 5/11-13-3).

1-9.1 INCIDENTS OF OFFICE:

The Zoning Board of Appeals shall consist of seven (7) members, all of whom shall reside within the Village. Each Board member shall be appointed by the President with the advice and consent of the Board of Trustees, and shall hold office for five (5) years from the date of his appointment or until his successor has been selected and qualified. One (1) of the members so appointed shall be named as chairman at the time of his appointment. Each Board member shall receive for his services, such compensation, if any as is determined from time to time by the Board of Trustees. With the advice and consent of the Board of Trustees, the President may remove any member of the Zoning Board of Appeals for cause, after a public hearing. Vacancies on the Board shall be filled in the same manner as provided for the appointment of new members.

1-9.2 MEETINGS, RECORDS:

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt rules of procedures consistent with this Code and the applicable Illinois statutes. The Board may select such officers as they deem necessary. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Four (4) members of the Board shall constitute a quorum, and the affirmative vote of at least four (4) members shall be necessary to authorize any Board action. The Board shall keep minutes of its proceedings indicating the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board shall be filed immediately in the Board's office, and shall be a public record.

Section 1-10 APPEALS

Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law (65 ILCS 5/11-13-12) and the provision of this Section.

1-10.1 FILING RECORD TRANSMITTAL:

Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Not more than five (5) working days after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case.

1-10.2 STAY OF FURTHER PROCEEDINGS:

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, a further action shall not be stayed unless the Zoning Board of Appeals or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

1-10.3 PUBLIC HEARING, NOTICE:

The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing.

- (a) by first class mail to all parties directly affected by the appeal; and
- (b) by publication in a newspaper of general circulation within the Village. The Zoning Board of Appeals shall, within a reasonable time after the public hearing, submit an advisory report to the Board of Trustees.

1-10.4 DECISION BY BOARD OF TRUSTEES:

The Board of Trustees shall act on every appeal at their next regularly scheduled meeting following the advisory report from the Zoning Board of Appeals. The Board of Trustees may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing the Board of Trustees has all the power of the Administrator.

Section 1-11 REIMBURSEMENT OF COSTS AND EXPENSES

Any Owner that submits an application, petition or request in regard to a land use matter shall reimburse the Village in full for the actual costs and expenses incurred by the Village in processing, reviewing and acting upon said petition, application or request on the Owner's land use matter.

1-11.1 PAYMENT:

The Village shall provide the Owner with timely invoices regarding the costs and expenses associated with the land use request. The Owner shall pay the Village within thirty (30) days of the date of the invoice from the Village. If the Owner does not pay the invoice within the thirty (30) day period, interest shall accrue on the unpaid balance at a rate of nine percent (9%) per annum. Any costs of collection for an unpaid balance will be added to the amounts owed by the Owner to the Village.

1-11.2 OTHER FEES:

This Section does not affect the amount nor the manner of payment of any other Village fees including, but not limited to, application fees, building permit fees, tap-on fees, or business license fees.

1-11.3 VILLAGE REPRESENTATION:

The Village employees and professional consultants working on any land use matter solely represent the interests of the Village and do not represent the Owner in any way.

1-11.4 FINAL CERTIFICATE OF CODE COMPLIANCE:

A Final Certificate of Code Compliance will not be issued unless the Owner has made all payments and reimbursements as required in this Section and any other Village Ordinance.

1-11.5 LIEN:

The Village reserves the right to place a lien on any property of the Owner if any payments or reimbursements are not made as required by this Section and any other Village Ordinance.

ARTICLE 2 FEES

Section 2-1 PURPOSE

The Village of Caseyville Planning and Zoning Department charges fees for certain building, occupancy zoning and subdivision matters. Said fees are intended to defray the administrative costs connected with the processing of building, occupancy, planning and zoning matters. These fees do not constitute a tax or other revenue raising device.

Section 2-2 FEES FOR BUILDING, OCCUPANCY, PLANNING AND ZONING MATTERS

The various fees charged for building, occupancy, planning and zoning matters shall be as follows.

2-2.1 RESIDENTIAL BUILDING PERMIT FEES:

The fee for a building permit and inspections or residential construction, of new structures, alterations and additions on one and two family residential structures and apartment structures, shall be determined by applying the table of fee rates (Schedule "A") to the total estimated cost of construction as determined heretofore.

- (a) Residential "above or in-ground" swimming pools, accessory buildings and all other miscellaneous residential construction shall be determined by applying the table of fee rates (Schedule "A") to the total estimated cost of construction.
- (b) Building permits are not required for the following: sidewalks, driveways, concrete patios, siding, and replacement of windows or doors. All swimming pools that are more than two (2) feet in depth of water must have a permit, shall be inspected, and pay the minimum permit fee.
- (c) Permit processing, plan review, and inspection charges included in the appropriate fee rate.
- (d) The minimum total permit fee shall be paid for each permit.
- (e) The standard permit fee, plan review fee and inspection fee are all included in the total fee shown. Fees for any "additional inspection" required including inspections for compliance with approved development or site plans OR fees for any "extra inspection" that may be required are not shown here and shall be added to the total payment fee at the rate of one hundred dollars (\$100.00) for each inspection.
- (f) A signed Schedule "C" is required. (Appendix C.)
- (g) An "additional inspection" is defined as an inspection, which is required as a result of unusual or complicated construction.

- (h) An “extra inspection” is defined as an inspection which is made as a result of non-compliance, not ready, lock out, etc.

Section 2-3 MANUFACTURED HOMES FEES

- (a) The location of a manufactured home shall not be inspected prior to the placement of said home. Permit process, plan review and inspection charges are included in the table of fee rates (Schedule “A”). (Appendix A.)
- (b) Permit Process: For a used manufactured home the passing of an on site inspection is required prior to placement of said manufactured home within the Village of Caseyville. An inspection fee is required; plus mileage to and from on site inspections, if said inspection is outside the corporate limits of the Village of Caseyville. The mileage rate to be used is that used by the State of Illinois, Central Management Services. The inspection fee and any mileage fee must be paid prior to the inspection being performed.

For a used manufactured home that passes its on site inspection said home must also pass an inspection after the manufactured home has been transported and placed within the Village of Caseyville. Occupancy of said home is not permitted until said inspection is passed and a Zoning Certificate and Occupancy Permit have been issued.

For a new manufactured home no on site inspection is required, after documentation on new manufactured home is confirmed. All new manufactured homes will be inspected after placement of said home and occupancy of said home is not permitted until said inspection is passed and a Zoning Certificate and Occupancy Permit have been issued.

- (c) A signed Schedule “D” is required. (Appendix D.)

Section 2-4 COMMERCIAL AND INDUSTRIAL CONSTRUCTION FEES

The fee for a building permit and inspection of commercial and industrial construction shall be determined by applying the table fee (Schedule “B”) to the total estimated cost of construction, as determined heretofore. Permit processing, plan review and inspection charges are included in the table of fee rates (Schedule “B”). (Appendix B.)

- (a) Fees for an “additional inspection” required including inspection for compliance with approved development or site plans OR fees for any “extra inspection” that may be required are not shown here and shall be added to the total payment fee at the rate of one hundred dollars (\$100.00) for each inspection.
- (b) An “additional inspection” is defined as an inspection, which is required as a result of unusual or complicated construction.

- (c) An “extra inspection” is defined as an inspection which is made as a result of non-compliance, not ready, no-show, lock out, etc.
- (d) A signed Schedule “C” is required. (Appendix C.)

Section 2-5 DEVELOPMENT CODE FEES

Occupancy Permit

Change in Occupancy Permit (Inspection required)

Occupancy “Extra Inspection” is defined as an inspection which is made as a result of non-compliance, not ready, no show, lock out, etc.)

Special Use Permit/Temporary Use Permit¹

Land Division:

Subdivision Review²

Preliminary Plat²

Improvement Plans²

Final Plat²

Subdivision Variance²

Minor Subdivision³

Development Code, Amendment²

Development Code, Zoning Appeal²

Development Code, Variance²

Corrective Action Order Appeal²

Electrical Inspection, per Inspection

Plumbing Inspection, per Inspection

Sign Permit

Mobile Home Inspection for Occupancy Compliance:

Inside Village Fee

Outside Village Fee⁴

Zoning Certificate Fee

¹ Applicant must pay Village for postage, including Certified Mailing prior to mailing and publication of Public Notice.

² All professional services necessary for Subdivision Review are on a client charge basis and paid 100% by the applicant prior to any final action on said Subdivision.

³ All professional services necessary for review are on a client charge basis and paid 100% by the applicant prior to any final action on said Subdivision.

⁴ Mileage is that which CMS establishes for the State of Illinois use.

APPENDIX A

