

ORDINANCE NO. 94-1

AN ORDINANCE CONCERNING RESIDENTIAL STRUCTURES WITHIN
THE VILLAGE OF STRASBURG, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE
VILLAGE OF STRASBURG, SHELBY COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: TITLE. This Ordinance shall be known and may be cited as
the Village of Strasburg Housing Ordinance.

Section 2: PURPOSE. This Ordinance provides for residential
development of the Village of Strasburg, Illinois, to the end that adequate
light, pure air and safety from fire and other dangers may be secured; that
the taxable value of land and buildings throughout the municipality may be
conserved, that congestion in the public streets may be lessened or avoided,
and that the public health, safety, comfort, and welfare may be promoted,
all in accordance with this Ordinance.

Section 3: DEFINITIONS. For the purpose of this Ordinance, certain
terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice-versa; words in the
singular number include the plural number and vice-versa; the word
"building" includes the word "structure" and vice-versa; the word "shall" is
mandatory and not directory.

ALLEY: A public thoroughfare, which affords only secondary means of
vehicular access to abutting property.

BLOCK: Property having frontage on one side of the street and lying
between the two intersecting or intercepting streets, or nearest
intersecting or intercepting street and railroad right-of-way, waterway or
other barrier.

BUILDING: A structure having a roof supported by columns or walls for
the shelter, support, enclosure or protection of persons, animals, chattels
or property. When separated by party walls, without openings through such
walls, each portion of such a building shall be considered a separate
structure.

BUILDING, FRONT LINE OF: The line of that face of the building
nearest the front lot line.

DWELLING: A building or portion thereof, used primarily as a place of
abode for one or more human beings, but not including hotels, motels,
lodging or boarding houses or tourist homes.

DWELLING UNIT: A building or portion thereof, used primarily as a
place of abode for one or more human beings, but not including hotels,
motels, lodging or boarding houses or tourist homes.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed
erection, construction, enlargement or moving of a building or structure

referred to therein complies with the provisions of this Ordinance.

LOT: A parcel, tract or area of land accessible by means of a street. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street or alley shall be included.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT INTERIOR: A lot other than a corner Lot or Through Lot.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the lot line.

LOT LINE, REAR: A lot line which is opposite and most distant from the front line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front line.

LOT LINE, SIDE: Any boundary line not a front or a rear lot line.

LOT LINE, THROUGH: A lot having frontage on two streets at opposite ends of the lot.

LOT LINE, WIDTH OF: The distance between the side lot lines at the front building line of building measured a right angles to the depth of the lot.

MOBILE HOME OR MANUFACTURED HOME: Any vehicle, including the equipment sold as part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled means or not self-propelled means which is designed, constructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, which is both used and occupied as a dwelling or sleeping place with or without a permanent foundation when connected to the required utilities and which unit shall have the official red metal label affixed to the rear of each towable unit indicating compliance with the standards of the National Manufactured Home Construction and Safety Standards."

MODULAR HOME OR DWELLING: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one 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, and which shall have a yellow seal of the State of

Illinois, or similar seal of the State of Indiana, on the electrical panel box of the home indicating compliance with the Illinois Department of Public Health regulations and codes. A permanent foundation means a closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line."

STREET: A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

YARD: A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in these regulations.

YARD, FRONT: - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp post and similar structures of depth of which is the least distance between the street right-of-way line and building line.

YARD, REAR: A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty (30) percent of the required space, the depth of which is the least distance between the rear lot line and the rear of such main building.

YARD, SIDE: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the building.

Section 4: PROHIBITIONS. No residential structure or building, including manufactured or mobile homes and modular homes or dwellings, shall be permitted in the Village of Strasburg, Illinois, unless the following minimum building requirements are met:

(A) The structure designed as living area shall be not less than 900 square feet in area.

(B) The front yard shall be not less than 25 feet in depth.

(C) The rear yard shall be not less than 15 feet in depth.

(D) The side yard shall be not less than 15 feet in depth.

(E) All residential dwellings shall have not less than 1 off-street parking place for every 2 adults residing therein.

(F) All off-street parking place shall not be located within the front yard area of the lot and shall be of gravel or crushed rock not less than 2 inches in depth.

(G) All manufactured homes or mobile homes shall be securely fastened or anchored to the ground by means of straps or other devices designed for that purposes and shall be skirted or placed upon a foundation of concrete block.

(H) No more than 1 residential building or dwelling shall be permitted on any 1 lot.

Section 5: ADMINISTRATION.

IMPROVEMENT LOCATION PERMIT:

(1) Within the Village of Strasburg a structure may be altered, changed, placed or erected on platted or unplatted lands only when said structure and its location conforms with this Ordinance and other applicable ordinances of the Village. An Improvement Location Permit for such structure must have been issued.

(2) The individual or individuals appointed by the Village Board as a Building Commissioner shall issue an Improvement Location Permit, upon written application and according to the directions contained in this Ordinance, when the proposed structure and its location conforms in all respects to this Ordinance.

(3) Any decision of the Building Commissioner concerning the issuance of an Improvement Location Permit may be appealed to the Village Board of Trustees.

(4) Any person who shall make application for an Improvement Location Permit shall furnish the Building Commissioner with a site plan of the real estate upon which said application for an Improvement Location Permit is made. Said site plan shall be drawn to scale, or as nearly to scale as possible, showing the following items:

- (a) Legal or site description of the real estate involved.
- (b) Location and size of all buildings and structures.
- (c) Width and length of all entrances and exits to and from said real estate.
- (d) All adjacent and adjoining roads or highways.

(5) The Building Commissioner may require the relocation of any proposed building or structure or exit or entrance shown on said site plan and/or the location of new exits or entrances not shown on said site plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of these regulations.

(6) The Building Commissioner may take ten (10) days in which to review the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Building Commissioner has not required any additional information or stated any objections in writing, he shall issue the Improvement Location Permit.

(7) One copy of such permit shall be securely posted in a place in the front of the premises to which such permit applies, and such permit shall remain so posted until the erection, repair, alteration or change of use shall have been completed.

(8) Application For An Improvement Location Permit for the construction or location of a new building shall be accompanied by a fee of Fifteen (\$15.00) Dollars.

(9) Failure to make application for an Improvement Location Permit before any manual work begins on that Improvement shall triple the cost of said permit.

(10) Upon completion of the Improvement covered by the Improvement Location Permit, the Building Commissioner shall inspect the premises, and, if his inspection shall reveal that the improvement has been completed in substantial conformity with the site plan.

Section 6: REMEDIES AND BREACH.

(A) REMEDIES: In case any residential building or structure is constructed, reconstructed, located, relocated, or any residential building, structure, or land is used in violation of this Ordinance or other regulation made under the authority conferred thereby, the Building Commissioner with the advice and consent of the Village Board of Trustees, or the Village Board of Trustees, in addition to other remedies, may institute any appropriate action or proceeding (1) to prevent the unlawful construction, reconstruction, location or relocation, or use, (2) to prevent the occupancy of the residential building, structure, or land, (3) to restrain, correct, or abate the violation.

In any action or proceeding for a purpose mentioned in this section, the court with jurisdiction of such action or proceeding has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this Ordinance.

If a permanent injunction in any action proceeding for a purpose mentioned in this section, the court in its decree may, in its discretion, allow the plaintiff a reasonable sum of money for the plaintiff's attorney. This allowance shall be a part of the costs of the litigation assessed against the defendant, and may be recovered as such.

(B) BREACH: Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall alter the use of land or build, reconstruct or structurally alter any residential building in violation of any detailed statement or plan submitted and approved thereunder, or who shall occupy such altered land use or have structurally altered residential building prior to securing a permit, shall, for each and every day of each and every violation or non-compliance be guilty of a misdemeanor and shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) for each day of such violation.

Section 7: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8: REPEAL. All ordinances or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 9: PUBLICATION. The Village Clerk is directed to cause this Ordinance to be published, as required by law, upon its passage and approval.

Section 10: EFFECTIVE DATE. This ordinance shall be in full force and effect ten (10) days after its publication.

PASSED AND APPROVED this ____ day of April, 1994.

AYES, 6 : NAYS, 0 : ABSENT, 0 : ABSTAIN, 0

Sandra Wahl
VILLAGE PRESIDENT

ATTEST: Roger Kull
VILLAGE CLERK

(SEAL)