

VILLAGE OF TONICA, LA SALLE COUNTY, ILLINOIS

ORDINANCE # 488

**AN ORDINANCE FOR PROPERTY MAINTENANCE FOR
THE VILLAGE OF TONICA, LASALLE COUNTY, ILLINOIS**

ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF TONICA, LA SALLE COUNTY, ILLINOIS
THIS 16th DAY OF March, 2009.

Published in pamphlet form by authority of the Board of Trustees of the Village of
Tonica, La Salle County, Illinois, this 16th day of March, 2009.

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**AN ORDINANCE FOR PROPERTY MAINTENANCE
FOR THE VILLAGE OF TONICA, LASALLE COUNTY, ILLINOIS**

WHEREAS, the corporate authorities of the Village of Tonica are concerned about the blighted and deteriorated condition of certain properties located within the corporate limits of the Village; and

WHEREAS, the corporate authorities of the Village believe that it is in the best interest of the residents of the Village, and in furtherance of the public health, safety and welfare of the residents of the Village to address the blighted conditions of certain real estate located within the corporate limits of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF TONICA, ILLINOIS, AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this Ordinance is to protect the environment and the public health, safety and welfare, and to prevent and control blight by establishing regulations for the administration and enforcement procedures to the end that buildings and real estate within the Village are maintained in a safe and sanitary condition, free of health, fire and safety hazards; in fix certain duties and responsibilities upon owners and operators; and to fix penalties for the violation of this ordinance. This Ordinance is intended to be remedial and essential for the public interest and it is intended that this Ordinance be liberally construed to effectuate the purposes stated herein.

SECTION 2. PROPERTY MAINTENANCE REQUIREMENTS

It shall be unlawful for the owner of real estate or any owner or operator of a building to fail, refuse, or neglect to maintain such real estate and/or accessory buildings in accordance with the provisions of this Ordinance.

MAINTENANCE STANDARDS:

A. General Standards:

1. All buildings and premises shall be maintained in good repair and each part of a building shall perform the function for which such part was designed or intended to be used.

2. Facilities, utilities and equipment, including but not limited to chimneys and heating and ventilating equipment and facilities which are part of or used in or on a building and the premises on which such building is located shall be maintained in good repair and working order so that they function safely and effectively without threat to health and safety.

3. There is hereby adopted by the Board of Trustees for the purpose of establishing for the maintenance of buildings and structures that certain maintenance code recommended by the building officials and code administrators being particularly the Boca National Property Maintenance Code including any amendments, deletions or additions thereto recommended by the building officials and code administrations subsequent to the passage of the ordinance codified herein of which no fewer than three copies have been made and now are filed in the office of the Clerk of the Village and the same are hereby adopted and incorporated as if set forth at length herein and from the date on which this Ordinance codified herein shall take effect pursuant to the provisions of the Illinois Municipal Code.

B. Specific Standards:

1. Foundations, Exterior Walls and Roofs: Every foundation, exterior wall, and roof of every building shall be substantially weather-tight, water-tight and rodent proof; shall be kept in sound condition and good repair; shall be kept free of holes or breaks, and of loose or rotting boards, timbers, bricks, stones and other structural material; and shall be safe to sue and capable of support of the load which normal use may cause to be placed thereon.

2. Exterior Surfaces: All exterior surfaces of any building shall be reasonably capable of withstanding the effects of the elements and decay. Any exterior surface which is deteriorated, decaying or which has lost its capacity to reasonably withstand the effects of the elements shall be repaired.

3. Windows and Exterior Doors: Every window, exterior door or cellar door and hatchway shall be generally water-tight and rodent proof; shall be equipped with all appropriate hardware; shall be capable of being easily opened unless designed to be fixed; and all exterior doors, windows and screens shall be kept in good repair.

4. Stairways and Porches: Every inside and outside stairway and porch and appurtenance thereto shall be maintained in a good state of repair and free from

rotting, loose or deteriorating supports, rails, floors and stairs so as to be safe to use and capable of supporting the normal loads that normal use may cause to be placed thereon.

Temporary supporting devices not part of the original construction shall not be used except for short term emergencies, pending repair.

5. Accessory Structures: All garages, tool sheds and all other accessory structures shall be kept in good repair so as not to be unsafe or a harbor for rodents. Fences and roadside mailboxes shall be maintained in good repair, solid and in the same condition required for other exterior surfaces. If attached to the exterior of a building, a television antenna shall be firmly and securely fastened to the building and shall be maintained in good repair.

6. Insects and Rodents: It shall be unlawful for any person, firm or corporation, to permit the accumulation of any lumber, boxes, barrels, logs, concrete, stone or similar materials within the Village in such a way that may be harborage for any rats. In the case of logs or wood, including logs or wood stored for fireplace or stove use, the same shall not be placed closer than two (2') from any property line, or be placed on the property so as to encroach on any easement or impair, stop or disturb any drainage swale. All lumber, boxes, concrete, stone, or similar materials may only be stored in a rear yard and said storage area shall constitute no more than five percent (5%) of the required rear yard, be piled no higher than four feet (4') in height, and be out of view from the street.

7. Vegetation: No premises within the Village shall have uncontrolled growths of vegetation. No dead trees shall be allowed to remain on real estate within the Village for more than three (3) months. Live or dead vegetation shall not encroach on adjacent properties or public utilities. Excessive depth or accumulation of grass or leaves is prohibited.

8. Driveways and Walkways: Cement or asphalt driveways and parking areas shall be maintained free of loose or broken material or cracks which are safety hazards, and such driveways and parking areas shall be repaired as necessary to avoid safety hazards. Stone driveways, walkways and parking areas shall be maintained in permanent forms designed to prevent the spread of gravel to public ways, easements and adjoining property.

9. Gutters, Downspouts and Sump Pumps: All gutters and downspouts shall be maintained free of debris which might prevent their proper functioning and shall not be allowed to discharge in a location and manner which creates unnecessary erosion. All gutters and downspouts shall be securely fastened to the buildings which they serve.

10. Rat-proofing (Rodents): Every building and the premises upon which buildings are located shall be maintained in a rat-free and rat proof condition.

11. Plumbing: Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good and sanitary working condition.

12. Ingress and Egress: Ingress and egress from any building including but not limited to, hallways, corridors, stairs and porches, shall be maintained in good repair and free from obstructions.

13. Storage of Motor Vehicles: No motor vehicle of any kind or part thereof shall be abandoned, parked or stored if such motor vehicle or part thereof is in an abandoned, wrecked, dismantled or in an inoperative condition, unless such motor vehicle or part thereof is completely enclosed within a building in a lawful manner, where it is not plainly visible from the street or other public or private property or unless the same is stored in a lawful manner on private property in connection with the lawfully zoned business of a licensed vehicle dealer or repair shop and such storage complies with all local, state and federal law and village ordinances.

14. Garbage and Debris Accumulation Prohibited: Accumulation of garbage or debris is prohibited.

SECTION 3: RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Every owner or occupant of a building or premises shall be responsible for:

A. Compliance with Duties: Every owner or operator of a building or real estate shall comply with all duties imposed by this Ordinance. Furthermore, no owner or operator shall let to another person any building or real estate unless such building or real estate or both are clean, sanitary, fit for human use or occupancy and comply with all applicable provisions of local, state and federal law.

B. Shared Area and Facilities: Maintain in a clean and safe condition the shared or public areas of a building and real estate on which it is located including parkways, and maintain and repair any equipment or facilities which said owner or operator supplies or is required to provide under this Ordinance.

C. Extermination: Prevent infestation of any building and exterminate any insects, rodents, or other pests in any building.

D. Garbage and Rubbish Disposal: Supply and maintain facilities for the temporary storage and disposal of garbage and rubbish and provide for the collection of garbage and rubbish from the premises.

E. Accumulation of Debris and Storage of Goods: No owner of a building or premises shall accumulate or permit the accumulation of rubbish, boxes, building or construction materials, scrap metal or any other materials in such a manner that such accumulation may provide a rat harborage, fire hazard, or public nuisance.

Responsibility of occupants: Every occupant of a building shall:

1. Maintenance: Maintain in a safe and sanitary condition that part of the building or premises which such occupant controls and be responsible for misuse of common areas and facilities.
2. Garbage and Rubbish Disposal: Dispose of all garbage and rubbish in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary.
3. Accumulation of litter, Debris and Storage of Goods: No person shall place on any premises or in a building or on the premises upon which such building is located, any material which causes a fire or toxic hazard or otherwise endangers the life, health, or safety of any person or which constitutes a blighting or deteriorating influence on the premises or neighborhood, nor place in storage on the premises any furniture, equipment, or material which harbors insects, rodents, or other pests or is conducive to such infestation.

SECTION 4. MINIMUM STANDARDS FOR BASIC RESIDENTIAL FACILITIES

No person shall occupy as Owner, Occupant, or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein which does not comply with the following requirements:

A. Every dwelling unit shall have a room or a portion of a room in which food may be prepared and/or cooked which shall have adequate circulation area, and which shall be equipped with the following:

1. Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surface, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause it to be operated properly and shall be properly connected to a building drain.

2. Within every dwelling unit there shall be a lavatory sink. Said sink may be in the same room and the flush water closet or, if located in another room, the lavatory sink shall be located in close proximity to the door leading into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure and which is properly connected to a sewer system. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

3. Within every dwelling unit there shall be a room which affords

privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system and which provides at all times an adequate amount of heated and unheated water under pressure which is connected to a sewer system. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

SECTION 5. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

No person shall occupy as Owner, Occupant, or let to another for occupancy any dwelling or dwelling unit, for the purposes of living therein which does not comply with the following requirements:

1. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

2. Every foundation, roof, and exterior wall, door, skylight and window shall be reasonably weather-tight and shall be kept in sound condition and good repair. All exterior wood surfaces, other than decay –resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment.

3. Every premises shall be graded, drained, kept free of standing water and maintained in a clean, sanitary and safe condition.

4. If gutters, leaders and downspouts are provided they shall be maintained in good working condition so as to provide proper drainage of storm water and not be allowed to discharge in manner which would create unnecessary erosion or discharge flow to adjacent property.

5. Every dwelling, multiple dwelling or accessory structure and the premises on which same is located shall be maintained in a rat free condition. All fences shall be maintained in good condition and shall not create a harbor for rodents or other pests.

6. All fences shall be maintained in good condition and alignment. Wood materials, except decay resistant woods, shall be protected against decay by use of stain, sealer or paint which is non-lead-based, or by other preservative materials. The height and other characteristics of all fences shall conform to the appropriate statutes, ordinances and regulations of the Village.

7. Accessory structures present or provided by the owner, agent, or tenant occupant on the premises of a dwelling shall be structurally strong and

maintained in good repair and free of insects, rodents or other pests. Every plumbing fixture and pipe, every chimney, flue and smoke pipe and other facility, piece of equipment or utility which is present in a building or which is required under this Ordinance shall be maintained in conformance with the appropriate statutes, ordinances and regulations of the Village.

8. No owner, occupant or operator shall cause any service, facility, equipment or utility which is required under this Ordinance to be removed or shut off or discontinued for any occupied building or dwelling unit let or occupied by him except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

SECTION 6: INSPECTIONS

A. Inspections Authorized: The enforcement officer appointed by the President and the Board of Trustees of the Village is hereby authorized to conduct inspections of buildings, accessory structures and the real estate upon which they are located to enforce the provisions of this Ordinance in response to written and signed complaints or whenever the enforcement officer has reason to believe on good cause shown or personal knowledge that a specific provision of this Ordinance is being violated, provided, however, that such inspection must be made at reasonable times and upon reasonable notice to, and with the consent of, the owner, operator or occupant, except when an emergency requires immediate action.

B. Inspection Upon Warrant: Whenever the Enforcement Officer, after presentation of proper credentials and request for authorization to inspect, is refused access to any building or the premises thereof, the Enforcement Officer is authorized to petition any court or competent jurisdiction for the issuance of a search warrant authorizing the inspection of such building or premises thereof for the purpose of making such inspections as shall be necessary to the enforcement of the provisions of this Ordinance.

C. Owner's Right Of Entry: Every occupant of a building or portion thereof shall give the owner thereof, or his agent or employee, access to any part of such building, or its premises, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful rule or regulation adopted, or any lawful order issued pursuant to the provisions of this Ordinance. Entry pursuant to this subsection shall be made only at reasonable times and after reasonable notice to the occupant unless an emergency requires immediate action.

SECTION 7. NOTICE OF VIOLATIONS

A. Notice Required: Whenever in the opinion of the Enforcement Officer after an inspection of a building or premises as provided herein, any violation of the provisions of this Ordinance is found to exist, the Enforcement Officer shall, within ten

(10) days after discovery thereof, serve written notice of such alleged violation upon the owner, operator, or occupant.

B. Method Of Service: Notice shall be given either by personal service or by mailing a copy thereof to the alleged violator by certified mail, return receipt requested, at his last known address or, in the event neither of these is effective, to actually notify the alleged violator, by posting a copy thereof in a conspicuous place on or about the building containing the alleged violation.

C. Required Contents: Such notice may include more than one alleged violation; shall specify a period of time for compliance, which shall be such time as, in the opinion of the Enforcement Officer, is reasonably required to effect changes necessary for compliance, and be in no case less than five (5) days nor more than three hundred sixty-five (365) days.

D. Effect Of Noncompliance: If any alleged violation of which notice as been given in conformity with this Ordinance, is not corrected or eliminated within the time specified in such notice, then:

1. Violator Subject To Penalty: The responsible owner, occupant, or operator shall be subject to a penalty of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each day such violation exists after expiration of the time specified for correction, and unless the Village has granted an extension as requested in writing by the responsible owner, operator or occupant. Each day on which a violation occurs or continues shall constitute a separate offense.

2. Designation Of Dwelling As Dangerous And A Public Nuisance: Where an alleged violation is of such nature or extent that, in the opinion of the Enforcement Officer, it renders all or any portion of the building unsafe and dangerous to the life, safety, morals or the general health and welfare of the occupants or the residents of the Village, or where the building or any portion thereof is uncompleted or has been abandoned, the Enforcement Officer, may declare the building or portion thereof, as dangerous and a public nuisance in accordance with the procedures set forth hereinafter.

SECTION 8. DESIGNATION OF BUILDING AS UNFIT FOR HUMAN USE:

Whenever any building or portion thereof is designated as unfit for human use or the use intended, the Enforcement Officer shall carry out such designation in compliance with the following procedures:

A. Notice And Placarding: The Enforcement Officer shall serve notice of such designation of the building or portion thereof upon the owner, operator, and occupant thereof. Service shall be in person, or by certified mail, return receipt requested, and by posting a placard at the entrance of the so designated building. Where the

identity or whereabouts of the owner or lien holder cannot be ascertained notice mailed to the person or persons in whose name the premises were last assessed shall be sufficient notice.

B. Contents: The notices and placards required by subsection A hereof shall state that the affected building or portion thereof is by such notice or placard declared to be unfit for human use, or the use intended, in accordance with the provisions of this Ordinance; shall state the specific uncorrected violations of this Ordinance leading to such designation; and shall order the affected building or portion thereof to be vacated within a specific reasonable period of time as determined by the Enforcement Officer. Such time may be immediate, where conditions exist presenting immediate hazards to human life, health or safety. Such notices and placards shall further state the right of any aggrieved person to file an appeal pursuant to this Ordinance within fifteen (15) days of the date of receipt of such notice.

C. Defacing Or Removing Placards: No person shall deface or remove the placard required by Subsection A hereof from any building which as been designated as unfit for human use or the use intended and placarded as such, except as provided in this Ordinance.

D. Vacation Required: Any building or portion thereof designated as unfit for human use or the use intended shall be vacated within the time specified by the Enforcement Officer.

E. Conditions For Resumption Of Use: No building which has been designated as unfit for human use or the use intended in accordance with this Section shall again be used for human use or the use intended until written approval is secured from the Village and the placard designating it is removed by the Enforcement Officer, who shall remove such placard only when the defects upon which the designation was based have been eliminated, and after the building or portion thereof has been inspected and found to comply in all respects with the requirements of this Ordinance or unless removal of the placard is so ordered by the Village Board of Trustees.

SECTION 9. DESIGNATION OF BUILDING AS DANGEROUS AND A PUBLIC NUISANCE:

Whenever any building or portion thereof is designated as dangerous and a public nuisance under the provisions of this Ordinance, the Enforcement Officer shall carry out such designation in compliance with the following procedures:

A. Notice And Placarding: The Enforcement Officer shall serve notice of such designation of the building or portion thereof upon the owner, operator, and occupant thereof. Service shall be in person, or by certified mail, return receipt requested, and by posting a placard at the entrance of the so designated building. Where the identity or whereabouts of the owner or lien holder cannot be ascertained notice mailed to

the person or persons in whose name the premises were last assessed shall be sufficient notice.

B. Contents: The notices and placards required by subsection A hereof shall state that the affected building or portion thereof is by such notice or placard declared to be dangerous and a public nuisance, in accordance with the provisions of this Ordinance; shall state the specific uncorrected violations of this Ordinance deemed sufficient to justify such designation; and shall further state that such designation may result in an order for demolition. Such notice shall require the party to appear before the Village President and Board of Trustees at the next regularly scheduled meeting of the President and Board of Trustees to show cause why the designated building or portion thereof should not be vacated and repaired or demolished in accordance with the provisions of this Ordinance or in accordance with the provisions of any statute in such case made and provided.

C. Hearings And Findings: At the appointed time and place the President or his designated agent shall hear such testimony as the interested party shall offer relative to the designated building or portion thereof and shall, based upon such testimony and investigation make written findings of fact as to whether the building is properly designated as a dangerous and a public nuisance.

D. Order: Upon a finding pursuant to this Ordinance that the building or portion thereof has been properly designated as a dangerous or a public nuisance the President or his designated agent shall issue an order to the owner, operator or occupant of record commanding the same to vacate and repair or demolish the building or portion thereof.

E. Petition To Circuit Court: Unless the designated building or portion thereof, shall have been vacated and the repair or demolition thereof commenced within 15 days of an order pursuant to the provisions of this Ordinance the President and Board of Trustees may petition to the court of competent jurisdiction for an order requiring such vacation and authorizing such demolition or repair as authorized by Illinois statute.

F. Repair Or Demolition: Upon receipt of an order of a court of competent jurisdiction authorizing such action the President of the Board of Trustees shall cause the designated building or portion thereof to be repaired or demolished as the facts may warrant by the Village, provided however that where the President finds it to be in the best interests of the Village and its residents the President shall notify the Board of Trustees and request them to take all actions necessary to compel repair or demolition by the owner including the application for an injunction pursuant to statute.

G. Lien: The costs for any vacation, repair or demolition taken pursuant to this Ordinance by the Village shall be recoverable from the owner of the premises and shall constitute a lien on the premises as provided by Illinois statute.

H. Conditions For Resumption Of Use: No building or portion thereof which has been designated as dangerous an a public nuisance in accordance with this Ordinance shall be used for any purpose until and unless written approval is secured from the President and the placard designating it is removed by the Enforcement Officer.

SECTION 10: EMERGENCY CASES

In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a building, or portion thereof, is immediately repaired or demolished, the President may request the Board of Trustees to waive the provisions of this Ordinance in order to proceed to directly to secure a demolition order in the Circuit Court of LaSalle, Illinois, in accordance with the provisions of Illinois statutes and the President and Board may, at their discretion, proceed in that manner.

SECTION 11: PENALTIES

Imposition of Penalty No Bar to Legal Action: The imposition of any penalty pursuant to this Ordinance shall not preclude the Village from instituting an appropriate action or proceeding in a court of competent jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a nuisance; to prevent occupancy of a building; to require compliance with the provisions of this Ordinance or applicable laws, ordinances, rules or regulations or the orders and determinations of the President or Board of Trustees.

SECTION 12: APPEALS

Appeals from a determination of the Enforcement Officer of the existence of a violation of this Ordinance may be made in writing to the Village Board of Trustees:

A. An appeal may be taken from any decision of the Enforcement Officer, made pursuant to the authority conferred by this Ordinance, which finds violation of any provision of this Ordinance; designates any building or portion thereof as unfit for human use or the use intended or dangerous and a public nuisance; orders the vacation, repair or demolition of any building or portion thereof; refuses to authorize the resumption of human use in any building or portion thereof; interprets this Ordinance, or which in any other manner adversely affects an owner, operator or occupant of a building or portion thereof subject to the provisions of this Ordinance.

B. Any person aggrieved by a decision within the scope of Subsection A hereof may appeal from such decision.

C. An appeal shall be commenced within five (5) days of the receipt of the decision appealed from. An appeal under this Section shall be commenced by filing

with the Village Clerk or Village President a notice of appeal specifying the grounds thereof. Appeals not commenced within such time shall be deemed waived.

D. The Board of Trustees shall consider the appeal, in open session, at the next regularly scheduled meeting of the Village Board of Trustees which falls at least 14 days from the date of the appeal.

E. The person appealing the determination shall be entitled to present evidence, be represented by counsel and offer any matter germane to the issue which supports the appeal. The Enforcement Officer shall be entitled to be represented by counsel and present any evidence germane to the issue in support of his determination..

F. The determination of the Enforcement Officer shall be upheld unless, by majority vote of the Trustees then voting, The Village Board finds the determination to be contrary to the provisions of this Ordinance, in which event the notice of violation issued by Enforcement Officer shall be rescinded.

SECTION 13: DEFINITIONS

For purposes of this Ordinance the following terms shall include and be defined as follows:

1. Accessory building or structure: A detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

2. An appropriate authority: That person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code or regulation.

3. Building: A fixed structure with walls, foundation and roof such as a house, factory, garage, apartment, etc.

4. Dilapidated: No longer adequate for the purpose or use for which it was originally intended.

5. Dwelling: Any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating provided that "temporary housing" shall not be classified as a dwelling.

6. Dwelling unit: A room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating purposes.

7. Enforcement Officer The individual designated by the

President and Board of Trustees to monitor the enforcement of the terms and provisions of this Ordinance.

8. Heated water: Water heated to a temperature of not less than 120 degrees Fahrenheit at the outlet.

9. Lavatory: A fixed washbowl equipped with plumbing. The same shall not include kitchen sinks.

10. Occupant: Any individual living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit except that in a dwelling unit a guest shall not be considered an occupant.

11. Operator: Any person who has charge, care, control, or management of a building or part thereof in which dwelling units or rooming units are let or offered for rent or other consideration.

12. Owner: Any person, who, alone or jointly or severally with others shall have legal title to any premises, dwelling or dwelling unit with or without accompanying actual possession thereof or shall have charge, care or control of any premises, dwelling or dwelling unit, as owner or agent of the owner or an executor, administrator, manager, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto to the same extent as if he or she were the owner.

13. Privacy: The existence of the conditions which will permit an individual or individuals to carry out an activity without interruption or interference by either the noise or sight of unwanted individuals.

14. Temporary housing: Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

15. Tenant: A person, persons or co-partnership, firm or corporation occupying or using a building premises or any part or parts thereof owned by another.

16. Variance: A request for a departure from that which is required or specified and that which is permitted.

SECTION 14 – INTENT3

It is not the intent of this Ordinance to repeal, abrogate, annul, impair or interfere

with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. Where two or more provisions apply, the higher standard shall prevail.

SECTION 15 - EFFECT

This Ordinance shall be in full force and effect immediately from and after its passage, approval, and publication as provided by law. This Ordinance shall be published in pamphlet form.

PRESENTED, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Village of Tonica, LaSalle County, Illinois with roll call vote this 16th day of March, 2009.

<u>TRUSTEE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Anderson	_____	_____	_____	_____
Christman	_____	_____	_____	_____
Doll	_____	_____	_____	_____
Felty	_____	_____	_____	_____
Sluder	_____	_____	_____	_____
Sons	_____	_____	_____	_____

Approved:

ROGER THOMPSON
Village President,
Village of Tonica, LaSalle County, Il.

Corporate Seal

Attest:

HENRY MCCLENNING
Village Clerk