

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2020-15

AN ORDINANCE AMENDING TITLE 10, "BUILDING AND DEVELOPMENT REGULATIONS," AND TITLE 11, "ZONING REGULATIONS," OF THE MUNICIPAL CODE OF THE VILLAGE OF MAPLE PARK TO ADDRESS CERTAIN REGULATIONS REGARDING SWIMMING POOLS

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK
KANE AND DEKALB COUNTIES, ILLINOIS**

Published in pamphlet form by authority of the Board of Trustees of the Village of Maple Park, Kane and DeKalb Counties, Illinois, this 7th day of July, 2020.

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WHEREAS, the Village of Maple Park, DeKalb and Kane Counties, Illinois is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois; and,

WHEREAS, a public hearing was held before the Plan Commission of the Village of Maple Park regarding necessary text amendments to Chapter 11, Zoning Regulations, of the Maple Park Village Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Maple Park as follows:

SECTION 1. That TITLE 10, CHAPTER 1, ARTICLE A, Section 3, Paragraph A, Subsection 1 is hereby amended to provide as follows:

10-1A-3: BUILDING PERMIT AND PLAN REVIEW FEES:

A. Building Permit Fees

1. One-Family, Two-Family, And Multiple Single-Family (Townhouses) Residential Use Groups:

New construction (per unit for two-family and multiple single-family dwellings)	\$635.00 plus \$0.20 per square foot, \$0.198 per square foot over 3,200 square feet
Additions (per unit for two-family and multiple single-family dwellings)	\$0.198 per square foot, minimum \$200.00 fee
Alteration (replacing remodeling)	\$35.00 per required inspection
Temporary to start construction	10 percent of full permit fee, not to be applied to the full permit fee
Moving of existing one- or two-family structure	\$650.00
Inground swimming pools	\$140.00
Detached garage up to 600 square feet with electrical	\$140.00

Detached garage over 600 square feet with electrical	\$175.00
Demolition	\$60.00
Above ground swimming pools	\$140.00
Conditional certificate of occupancy when requested by the builder when circumstances do not warrant	\$95.00 (nonrefundable)

SECTION 2. That TITLE 10, CHAPTER 1, ARTICLE F, Section 10-1A-1.B is hereby amended to delete the provision stricken out below:

Section 105.2 Work Exempt From Permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Oil derricks.
2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
4. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route and not in the parkway area.
5. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a ~~group R-3 Occupancy~~ residential districts that are less than 24 inches (610 mm) deep ~~and and/or inflatable, temporary swimming pools of any depth, do not exceed 5,000 gallons (18,925 L), and are installed entirely above ground.~~
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
10. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of group R-3 and U occupancies.

Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

Rest of section remains the same.

SECTION 3. That TITLE 10, CHAPTER 1, ARTICLE F, Section 10-1F-1.B is hereby amended to delete the provision stricken out below:

B. Revisions: The following sections of the international residential code for one- and two-family dwellings, 2006 edition, are hereby revised, amended, or added in words and figures as follows:

Section R101.1 Title. These provisions shall be known as the *residential code* of the village of Maple Park, DeKalb and Kane Counties, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."

Section R105.2 Work Exempt From Permit.

Building: Delete numbers 1 and 2, then renumber to read:

1. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
2. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
3. Service sidewalks, patio slabs, and that portion of the driveway on private property.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Prefabricated swimming pools that have a maximum water depth of 24 inches (610 mm). ~~and inflatable, temporary swimming pools of any water depth.~~
6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Rest of section remains the same.

SECTION 4. That TITLE 11, ZONING REGULATIONS, CHAPTER 2, GENERAL PROVISIONS, SECTION 11-2-4 is hereby amended to repeal and replace the same in its entirety as follows:

**TITLE 11 ZONING REGULATIONS
CHAPTER 2, GENERAL PROVISIONS**

11-2-4: ADDITIONAL REGULATIONS FOR UNIQUE USES:

A. Fences, Walls, And Hedges:

1. Except as provided elsewhere in this title, a fence or wall may be erected, placed or maintained along a lot line on residentially zoned property except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').

A corner lot shall be considered to have two (2) front yards; example, the yards that face the public roadway. A fence installed on a corner lot may only be three feet (3') solid board or four feet (4') with fifty percent (50%) open slotting in the front yards.

A six-foot (6') fence is not to exceed past the most exterior wall of the house on either yard.

Where such lot line is adjacent to non-residentially zoned property, there shall be an eight foot (8') limit on the height of a fence or wall along such lot lines, except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').

2. No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially owned property, adjacent to residentially owned property, to a height exceeding eight feet (8') except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').
3. In any district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to height exceeding three feet (3') above the street curb nearest thereto, within twenty-five feet (25') of the intersection of any street lines or of street lines projected.
4. Unless a written agreement signed by the adjacent owner of record is filed with the Village Clerk, a fence or wall must be erected, placed, or maintained at least six inches (6") inside the lot line.
5. No fence equipped with or having barbed wire, spikes, or any similar device, or any electrically charged fence sufficient to cause shock, shall be erected, placed, or maintained within six feet (6') of ground level. However, no such fence shall be allowed in residentially zoned districts.
6. Screening for daycare centers and nursery schools: The outdoor play area shall be completely screened from view from adjacent uses by solid wood fencing to a

height of six feet (6') or by landscaping six feet (6') high by three feet (3') deep. All State regulations concerning outdoor play areas shall apply.

7. Fence poles and stakes shall be placed on the interior side of the fence so that the more attractive side of the fence faces the exterior of the yard.

B. Pools:

1. Definitions:

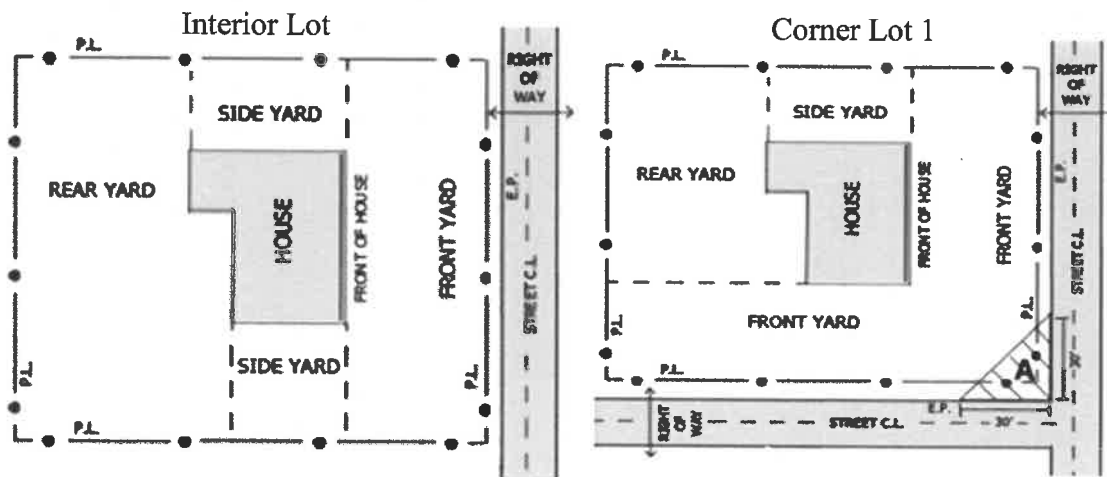
Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches (24") deep.

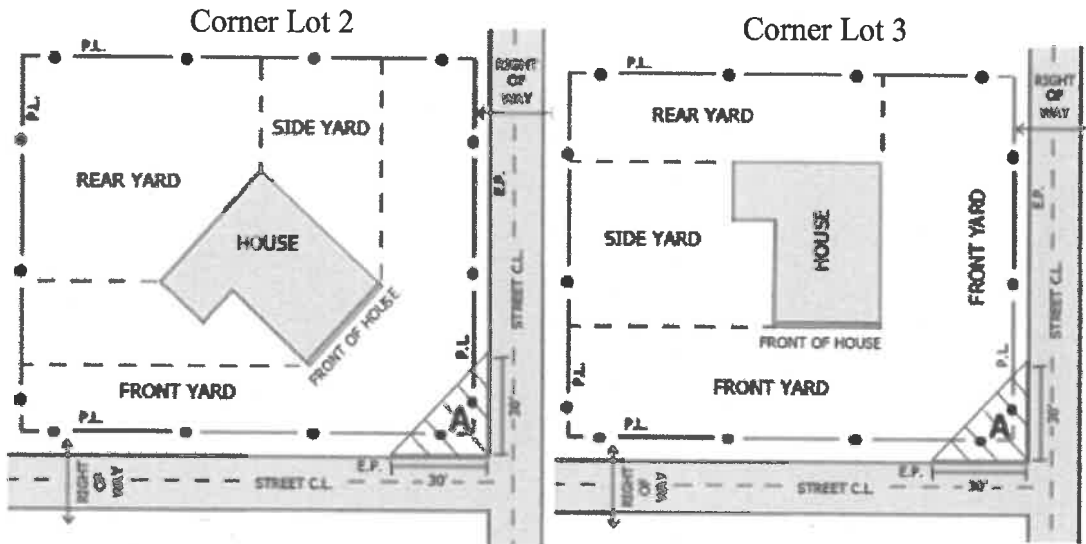
Spa – an above ground self-contained heated or jetted pool. Also known as Jacuzzi or hot tub.

Barrier – Barriers include a fence or wall, pool mounted systems and or a power safety cover over the pool. Barriers are not childproof but can provide one layer of protection from entry to pool while unattended.

2. Location

Swimming pools or spas, are not allowed in the front or side yard. If you are on a corner lot both street sides are considered front yards, see Interior and Corner Lot diagrams.





- i. Swimming pools shall be located a minimum of 10 feet from the primary structure, measured from the wall of the swimming pool. Spa shall be located a minimum of 5 feet from the primary building.
- ii. Swimming pools and spas shall be located a minimum of 10 feet from any property line, including any decking or platform.
- iii. Swimming pools and spas shall not be located under any overhead utility wires.
- iv. Swimming pools and spas shall be located from septic tank/field or sewer line at least twenty-five feet (25') for an inground pool; at least ten feet (10') for an above ground pool.
- v. Swimming pools and spas may not be installed in any easement.

3. Barrier

- i. Pools that have a depth of 24" or less do not require an enclosure or barrier. Pools of 25" or greater shall comply with all ordinance requirements.
- ii. Above ground swimming pools with the top of the wall less than 48 inches above the surrounding grade must be enclosed with an approved barrier at least 48 inches in height and have a gate as an entry point with a latch that either locks 3 inches below the inside of the top of the gate or latch is over 54 inches above the ground, this is per International Code Council Outdoor Swimming Pool Barrier Requirements.
- iii. Above ground swimming pools, which have walls or a wall mounted barrier system that meet the height requirement, shall have steps or a ladder capable of being secured, locked or removed to prevent access.



- iv. In-ground pools must have a barrier around the pool area that is a minimum of 48 inches.
 - v. Spa – may have a locking cover in lieu of a 48” tall barrier
 - vi. If the barrier connects to the primary structure
 - a. Above ground ladder capable of being secured, locked or removed to prevent access and secured when not in use.
 - b. In ground pools may either have an additional fixed or movable barrier around the pool and or an audible alarm on the door exiting out to the pool area.
4. Electrical – all pools with electronic pump or filter must be protected by ground fault circuit interrupters, which shall be GFCI receptacle outlets or GFCI circuit breakers.
- i. Swimming Pool or spa – must have underground outdoor electrical outlet.
 - a. All electric shall be in approved conduit and buried underground that meets all electrical code requirements.
 - b. All underground electric shall be inspected prior to burial.
 - c. All receptacles shall have a weatherproof enclosure whether or not the receptacle is being used.
 - d. All swimming pool equipment shall be properly grounded
 - e. Underground wiring shall be a minimum of 5 feet from the swimming pool walls.
 - f. For in-ground swimming pools all metal parts on or in the ground within 5 feet of the swimming pool walls shall be bonded.
 - g. Receptacles, not serving swimming pool equipment, shall be located a minimum of 10 feet from the swimming pool wall.
 - h. All electrical work must be installed per the National Electric Code (NEC) and installed by a licensed electrician.

5. Permit
 - i. Permit application must include:
 - a. Plat of Survey indicating the location of the pool and barrier, with setbacks marked for each.
 - b. Location of electrical if required.
 - c. Pool permit of any kind does not include the permit for the barrier. If you require a fence (barrier) permit a separate permit application must be completed.

SECTION 4. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 5. Repeal of conflicting regulations. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they conflict with this ordinance, or any part of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

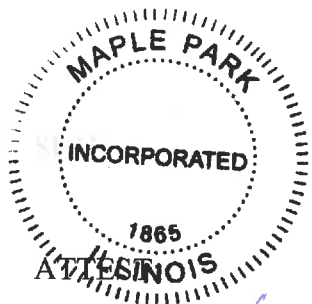
ADOPTED THIS 7th day of July, 2020.

AYES: Dries, Fahnestock, Harris, Rebone

NAYS: Higgins, Ward

ABSENT: None

APPROVED this 7th day of July, 2020.



Kathleen Curtis

 Kathleen Curtis, Village President

Terri D'Amato

 Terri D'Amato, Village Clerk

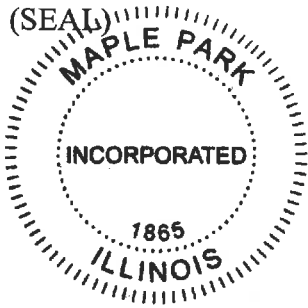
CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTIES OF DEKALB AND KANE)

I, Theresa D'Amato, certify that I am the duly appointed and acting municipal clerk of Maple Park, DeKalb and Kane County, Illinois.

I further certify that on the 7th day of July, 2020, the Board of Trustees of the Village of Maple Park passed and approved **AN ORDINANCE AMENDING TITLE 11, "ZONING REGULATIONS," CHAPTER 2, "GENERAL PROVISIONS," SECTION 4, "ADDITIONAL REGULATIONS FOR UNIQUE USES" OF THE MUNICIPAL CODE OF THE VILLAGE OF MAPLE PARK.**

Dated at Maple Park, Illinois, this 9th day of July, 2020.




Theresa D' Amato, Village Clerk