

ORDINANCE NO. 4, SERIES 2022

JOY, COUNTY OF MERCER, STATE OF ILLINOIS

An Ordinance amending Ordinance No. 1, Series 2022 , which was enacted to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of open spaces within and surrounding such buildings; to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; to divide the Village of Joy and certain contiguous areas (hereinafter described as Total Zoning District) into districts for the purpose of this Ordinance; to prohibit uses, buildings, or structures incompatible with the character of such districts respectively; and to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder, and to provide penalties for violation hereof.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF JOY, ILLINOIS, THAT:

ARTICLE I

DEFINITIONS

SECTION 1. For the purpose of the Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "Building" shall include the word "structure"; and the word "shall" is mandatory and not directory.

SECTION 2. Accessory Building: A secondary, subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

SECTION 3. Alley: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

SECTION 4. Apartment: A room or suite of rooms in a multiple or two-family dwelling, or where more than one living unit is established above non-residential uses, intended or designed for use as a residence by a single family.

SECTION 5. Apartment House: See Dwelling, Multiple

SECTION 6. Basement: A story partly or wholly underground, where more than one-half (1/2) of its height is below the average level of the adjoining ground.

SECTION 7. Bed & Breakfast or Boarding House: A building other than a hotel where, for compensation, either meals, or lodging and meals, are provided for not more than twelve (12) persons.

SECTION 8. Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

SECTION 9. District, Total Zoning: All of Sections 17, 18, 19, and 20 (Incl); the East ½ of Sections 16 and 21; and the North ½ of Sections 29 and 30; and the NW ¼ of Section 28, all in Township Fourteen (14) North, Range Four (4) West of the Fourth Principal Meridian, Mercer County, Illinois.

SECTION 10. District: A section or sections of the Village for which the Zoning Regulations are uniform

SECTION 11. Dwellings: Any building or portion thereof, but not a trailer, which is designed and used exclusively for residential purposes.

SECTION 12. Dwelling, Single Family: A building designed for or occupied exclusively by one family.

SECTION 13. Dwelling, Multiple: A building designed for or occupied exclusively by more than two families.

SECTION 14. Agricultural: An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage in the area, as well as for the raising thereon of the usual farm poultry and farm animals for the use or consumption of the person or persons operating the farm. The term "farming" includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of garbage or offal to swine or other animals.

SECTION 15. Filling Station: Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

SECTION 16. Frontage: All property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

SECTION 17. Garage, Private: An accessory building housing motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle of not more than ten (10) tons Manufacturer's capacity.

SECTION 18. Garage, Public: Any building or premises used for the housing, hiring, storing, equipping, or repairing of motor-driven trucks, commercial or other vehicles owned, leased, or operated by the occupant of the premises in the conduct of or as accessory to a business or occupation.

SECTION 19. Home Occupation: A "home occupation" is an occupation or profession customarily carried on by an occupant of a dwelling unit as secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Such a "home occupation" shall be carried on wholly within the principal building or within a building accessory thereto, and not more than one person outside the family shall be employed. There shall be no exterior display, nor exterior sign except as allowed in the sign regulations for the district in which such "home occupation" is located, no exterior storage of materials, no other exterior indication of the "home occupation" or variation from the residential character of the principal building, and no offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced. "Home occupation" shall include, but is not limited, to the following: art studio; dressmaking; professional office of physician; dentist; architect; engineer; accountant; barber shop; beauty shop; real estate office or restaurant, when located in a dwelling unit occupied by the same; and teaching, with musical instruction limited to one pupil at a time. However, "home occupation" shall not be construed to include the following: commercial stable or kennel.

SECTION 20. Hotel or Lodging House: A building in which lodging is provided and offered for more than twelve (12) persons for compensation, and which is open to transient guests, in contra-distinction to a boarding house or lodging house.

SECTION 21. Institution: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

SECTION 22. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approve place.

SECTION 23. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections.

SECTION 24. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

SECTION 25. Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

SECTION 26. Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Recorder of Deeds of Mercer County, Illinois, or a parcel of

land, the deed to which was recorded in the Office of the Recorder of Deeds of Mercer County, Illinois, prior to the date of the adoption of this Ordinance.

SECTION 27. Manufacturing or industry: Any use in which the major activity is the treatment, processing, rebuilding, repairing or wholesale storage of material, products, or items and where the finished product is not acquired by the ultimate user on the premises, as distinguished from a retail use where the treatment, processing, repairing, or storage is secondary to the sale, exchange, or repairing of materials or products on the premises.

SECTION 28. Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of the original Zoning Ordinance or any amendment thereto, which does not conform after the passage of the Zoning Ordinance or amendment thereto with the use regulations of the district in which it is situated.

SECTION 29. Parking Space: A durable surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is unenclosed, comprising an area of not less than one hundred forty (140) square feet, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

SECTION 30. Place: An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

SECTION 31. Road: Any property dedicated for public or private passage and used for purposes of travel, including streets, roadways, driveways, lanes, or other means of ingress and egress which are created by written descriptions or are established by usage, including easements.

SECTION 32. Service Establishments: Shops wherein the major activities are the repair and maintenance of wearing apparel, sporting goods, and articles for use in the home, including household appliances.

SECTION 33. Stable: A building accommodating one (1) or more horses.

SECTION 34. Street: All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to easements thereof.

SECTION 35. Street Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

SECTION 36. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

SECTION 37. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any increase in the square footage of the building that exceeds twenty (20) percent of the original square footage; or any substantial change in the roof or in the exterior wall.

SECTION 38. Tourist or Trailer Camp: An area containing one (1) or more structures, designed or intended to be used as a temporary living structure for a period not to exceed thirty (30) days of two (2) or more families, and intended primarily for automobile transients or providing spaces where two (2) or more tents or auto trailers can be or are intended to be parked.

SECTION 39. Manufactured Home Community or Trailer Park: An area containing one (1) or more manufactured homes or trailers, designed or intended to be used as a permanent living structure for one (1) family.

SECTION 40. Recreational Vehicle, Motor Home, or Trailer: Any structure used for living, sleeping, business, or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings; and which is, has been, or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include motor home, recreational vehicle, camp car, or house car; to the extent such structure has no permanent foundation.

SECTION 41. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of the front yard, or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

SECTION 42. Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps.

SECTION 43. Yard, Rear: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

SECTION 44. Yard, Side: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

ARTICLE II

DISTRICTS AND BOUNDARIES THEREOF

SECTION 45. In order to classify, regulate, and restrict the locations of trades, industries, and buildings designed for specified uses; to regulate and limit buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the Total Zoning District is hereby divided into districts, of which there shall be seven (7) in number, known as:

- “AG” Agricultural;
- “A” Residential;
- “B” Commercial;
- “C” Multiple Dwelling District;
- “D” Public and Semi-Public District;
- “E” Light Industrial District;
- “F” Trailer Camp.

SECTION 46. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the map that is established by the Village Board and maintained separately from the Ordinance, but is to be considered accompanying and made a part of this Ordinance, Sections 46, 47, 48, 49, 50, and 51 apply.

SECTION 47. The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on the map maintained separately herefrom, but accompanying and made a part of this Ordinance, are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

SECTION 48. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map maintained separately herefrom, but accompanying and made a part of this Ordinance, are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

SECTION 49. In unsubdivided property, the district boundary lines on the map maintained separately herefrom, but accompanying and made a part of this Ordinance, shall be determined by use of the scale appearing on the map.

SECTION 50. The boundaries of the districts are shown upon the map maintained separately herefrom, but accompanying and made a part of this Ordinance, which map is designated as the “District Map”. The district map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references, and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Clerk of the Village.

SECTION 51. All property hereafter annexed to the Village of Joy shall be classified as “AG” Agricultural District until this classification is changed by amendment to this Ordinance.

SECTION 52. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such a vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 53. Except as hereinafter provided:

- (a) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- (b) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- (c) The minimum yards and other open spaces, including lot areas per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building.
- (d) Every building hereafter created or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.
- (e) The front yard requirements on both streets of a corner lot shall be observed for all buildings and structures, including accessory buildings.
- (f) No owner, operator, or person assuming physical control over a car, truck, semi-trailer truck, recreational vehicle, or other vehicle shall park such vehicle on a Village street, Village property, or Village right of way for a period greater than twenty-four (24) hours without prior approval of the Village President and the Village Trustees.
- (g) No owner, operator, or person assuming physical control over a car, truck, semi-trailer truck, recreational vehicle, or other vehicle shall park such vehicle on private or public property in such a manner as to obstruct the view of any motor vehicle operating on a Village street, or to block the clear view of any street, street intersection, alley, or driveway.
- (h) An owner, operator, or person assuming physical control of a recreational vehicle may park such vehicle in his own driveway, side yard near the side of the house, or rear yard so long as the parking of the recreational vehicle does not obstruct the view of any motor vehicle operating on a Village street, or to block the clear view of any street, street intersection, alley, or driveway.
- (i) A bona fide guest of a homeowner or householder may use a recreational for sleeping purposes only, not to exceed a total of fifteen (15) days during each six (6) month period beginning January 1st and July 1st of each calendar year.

ARTICLE III

"AG" AGRICULTURAL DISTRICT

SECTION 54. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "AG" Agricultural District.

SECTION 55. Use Regulations: Any building or premises shall be used only for the following purposes:

Farms, but not farms raising livestock or poultry, except that:

- (a) Livestock may be raised on an adequately fenced tract containing not less than ten (10) acres;
- (b) Except as hereinafter provided in Article XI, poultry may be raised on an adequately fenced tract containing no less than three (3) acres. However, no livestock or poultry may be housed or confined within two hundred (200) feet of another tract containing a single-family residence which is owned, leased, or occupied by a non-owner of the livestock or poultry.

Truck and Flower Gardening; Nurseries; and Orchards and Greenhouses:

One (1) sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, or sale of the building or premises or to the sale of non-animal products or services rendered or furnished on the premises upon which the sign is located, provide, however, that not more than one (1) sign of the above character shall be permitted on any lot.

SECTION 56. Area Regulations:

Yards:

- (a) No building shall be erected within fifty (50) feet of any property or street line.

ARTICLE IV

"A" RESIDENTIAL DISTRICT

SECTION 57. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "A" Residential District.

SECTION 58. Use Regulations: Any building or premises shall be used only for the following purposes:

Dwelling (single family);

Home Occupation.

Building and premises may also be used for the same purposes listed in Section 54 of this Ordinance.

SECTION 59. Area Regulations:

Front Yard:

- (a) There shall be a front yard having a depth of not less than twenty-five (25) feet, unless thirty (30) percent or more of the frontage is improved with buildings that have absorbed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or, if there be residences upon only one side, then beyond the straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than sixty (60) feet, nor to permit a front yard of less depth than that of the nearest building.
- (b) On a corner lot there shall be a front yard on each street side of such lot, except that the buildable width of such lot need not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.

Side Yard:

- (a) Except as hereinafter provided in Article XIII hereof, there shall be a side yard on each side of a building, having a width of not less than six (6) feet.

Rear Yard:

Except as hereinafter provided in Article XIII hereof, there shall be a rear yard having a depth of not less than six (6) feet.

Intensity of Use: Every lot upon which a building is erected shall have an area of not less than seventy-two hundred sixty (7260) square feet and an average width of not less than fifty (50) feet, except that any on the uses permitted in this District may be erected or constructed upon a smaller lot of record.

ARTICLE V

"B" COMMERCIAL DISTRICT

SECTION 60. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "B" Commercial District.

SECTION 61. Use Regulations: Any building or premises shall be commercial only if used for the following purposes:

- Advertising signs and bulletin boards;
- Bakery;
- Dyeing and cleaning works using a cleaning fluid whose base is of a material other than petroleum or on of its derivatives;
- Hotel;
- Laundry;
- Plumbing Shop;
- Printing Shop;
- Public Garage;
- Tinsmithing Shop;
- Used car sales or storage lots but excluding salvage of automobiles or of automobile parts;
- Bakery whose products are sold at retail on the premises;
- Bank;
- Barber Shop or Beauty Parlor;
- Business of Commercial School, or Dancing or Music Academy;
- Catering Establishment;
- Electric and Shoe Repair Shop
- Filling Station;
- Hospital and Clinic for animals, but not open kennels;
- Messenger or Telegraph Service Station;
- Office;
- Painting and Decorating Shop;
- Photograph Gallery;
- Recreation or Amusement Building;
- Restaurant;
- Sales or show room;
- Store or shop for the conduct of a retail business;

Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning, or processing of such articles;

Theater, except open-air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof, parking space which contains an area adequate to accommodate one (1) automobile for every five (5) seats in the theater;

Tailor Shop;

Tire Repair Shop;

Undertaking Establishment;

Service Establishment.

Accessory buildings and uses customarily incidental to the above uses, including a sign or a bulletin board relating only to services, articles, and products offered within the building to which the sign is attached.

Any building used primarily for any of the above enumerated purposes may have not more than forty (40) per cent of the floor area devoted to industry or storage purposes incidental to such a primary use; provided that not more than five (5) employees shall be engaged at any time on the premises in such incidental use.

Building and premises may also be used for the same purposes listed in Section 57 of this Ordinance.

SECTION 62. Parking Regulations: Whenever a commercial structure is erected or reconstructed for any of the other purposes permitted in this district, except as provided in Section 97 of this Article, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes, and except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches, or drinks to patrons, either in their cars or in the building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space, provided that the minimum requirements of this paragraph are maintained.

ARTICLE VI

“C” MULTIPLE DWELLINGS DISTRICT

SECTION 63. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the “C” Multiple Dwellings District.

SECTION 64. Use Regulations: Any building or premises shall be Multiple Dwelling only if used for the following purposes:

- Multiple Dwellings;
- Row Houses (Party-Wall type);
- Boarding and Lodging Houses;
- Apartments.

Building and premises may also be used for the same purposes listed in Section 60 of this Ordinance.

SECTION 65. Parking Regulations: Where a lot is occupied by a Multiple Dwelling, there shall be provided and maintained adequate parking space on the lot, or within two hundred (200) feet thereof, available to and adequate to accommodate one (1) car for each dwelling unit in the multiple dwelling.

ARTICLE VII

“D” PUBLIC AND SEMI-PUBLIC DISTRICT

SECTION 66. The regulations set forth in this Article, or set forth hereafter in this Ordinance when referred to in this Article, are the district regulations in the “D” Public and Semi-Public District.

SECTION 67. Use Regulations: Any building or premises shall be used only for the following purposes:

- Public Reservations;
- Parks and Playgrounds owned by Public Agencies;
- Athletic Fields;
- Cemeteries;
- Churches and Convents;
- Community Buildings;
- Fire Stations;
- Hospitals;
- Sanitariums;
- Libraries;
- Parks and Picnic Grounds;
- Police Stations;

Schools;

Waterworks.

Accessory buildings and uses customarily incidental to the above uses, which do not involve the conduct of a business or industry.

Buildings and Premises may also be used for the same purposes listed in Section 63 of this Ordinance.

ARTICLE VIII

"E" LIGHT INDUSTRIAL DISTRICT

SECTION 68. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "E" Light Industrial District.

SECTION 69. USE REGULATIONS: Any building or premises shall be used only for the following purposes:

Coal and Building Material Yards;

Lumber Yards;

Elevators;

Warehouse and Storage Plants;

Wholesale storage of Oil, Gasoline, or any other Petroleum Products;

Metal Fabricating Plants.

Building and premises may also be used for the same purposes listed in Section 60 of this Ordinance.

ARTICLE IX

"F" TRAILER CAMP

SECTION 70. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "F" Trailer Camp District. These regulations are further designed to replace Ordinance 3, Series 1993, entitled: AN ORDINANCE REGULATING TRAILER COACH CAMPS AND THE PLACEMENT OF TRAILER COACHES WITHIN THE VILLAGE OF JOY.

SECTION 71. Restriction of Trailer Coach and Trailer Homes: It shall be unlawful for any person to use or maintain a trailer coach or trailer home within the corporate limits of the Village of Joy for a period of more than ten (10) days, except in a trailer coach camp, or as otherwise permitted by Village Ordinance. The location of all trailers, trailer coaches, tourist or trailer camps, recreational vehicles, or motor homes shall be in the "F" Trailer Camp District unless otherwise permitted by this Ordinance.

SECTION 72. License Fees: The annual license fee for each trailer coach camp shall be Twenty-Five (\$25.00) dollars.

SECTION 73. Application for License: Application for a trailer coach camp license shall be filed with and issued by the Village Board. Application shall be in writing signed by the applicant and shall be accompanied by an approved State of Illinois license.

Upon application for a transfer of the license, the Village Board shall issue a transfer if it finds the transferee is of good moral character.

SECTION 74. Trailer Coach Camp Plan: The trailer coach camp shall conform to the following requirements:

- (a) The camp shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Trailer coach spaces shall be provided consisting of a minimum of one thousand (1,000) square feet for each space which shall be at least twenty-five (25) feet wide and clearly defined. Trailer Coaches shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between trailer coaches. No trailer coach shall be located closer than twenty (20) feet from any property line bounding the camp.
- (c) All trailer coach spaces shall abut upon a driveway of not less than twenty (20) feet in width which shall have unobstructed access to a public street, alley, or highway. All driveways shall be hard surfaced, or treated with gravel or crushed rock, or well oiled, well-marked in the daytime and lighted at night with a twenty-five (25) watt lamp at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.
- (d) Each dependent camp shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities, as hereinafter more particularly prescribed.
- (e) An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each trailer coach space.

SECTION 75. Water Supply: An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the camp. The water shall be obtained from faucets only. No common drinking cups shall be permitted.

SECTION 76. Sanitation Facilities: Each dependent camp shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities, which shall conform to the following requirements:

- (a) Toilet facilities for men and women shall be provided, and they shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproof wall.

- (b) Service buildings housing any toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems, and shall be located not closer than ten (10) feet, nor further than two hundred (200) feet from any trailer coach space.
- (c) The service buildings shall be well lighted at all times of the day or night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including woodwork, which shall permit repeated cleaning and washing, and shall be maintained at a temperature of a least sixty-eight (68) degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service buildings shall be of water impervious material and shall slope to a floor drain connected with the sewage system.
- (d) All service buildings and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant, or the public, or constitute a nuisance.

SECTION 77. Laundry Facilities: The laundry facilities shall be provided in the ratio of one (1) double laundry tub and ironing board for every twenty (20) trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

SECTION 78. Sewage and Refuse Disposal: Waste from showers, bath tubs, toilets, slop sinks, and laundries shall be discharged into a public sewer system in compliance with applicable ordinances.

SECTION 79. Garbage Receptacles: Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not further than two hundred (200) feet from any trailer coach space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

SECTION 80. Fire Protection: Every camp site shall be equipped at all times with one (1) fire extinguisher in good working order for every ten (10) trailer coach spaces located not farther than two hundred (200) feet from each trailer coach space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time.

SECTION 81. Animals and Pets: No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach camp.

SECTION 82. Register of Occupants: It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the camp. The register shall contain the following information:

- (a) Name and address of each occupant;
- (b) The make, model, and year of all automobiles and trailer coaches;
- (c) License number and owner of each trailer coach and automobile by which it is towed;
- (d) The State issuing such licenses;
- (e) The dates of arrival and departure of each trailer coach.

SECTION 83. Revocation of License: The Village Board may revoke any license to maintain and operate a camp when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the camp is being maintained and operated in full compliance with the law.

SECTION 84. Posting of License: The license certificate shall conspicuously posted in the office of or on the premises of the trailer coach camp at all times.

SECTION 85. Severability of Provisions: Should any section of this Ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 86. Penalty: Any person violating this Ordinance shall be fined not less than fifty (50) dollars nor more than five hundred (500) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 87. Manufactured Home Community or Trailer Park: Any manufactured home community or trailer park must be located in the "F" Trailer Camp District and meet the following conditions:

- (a) The annual license fee for each manufactured home community or trailer park shall be twenty-five (25) dollars.
- (b) The manufactured home community or trailer park must be licensed by the State of Illinois and meet all state requirements. Proof of state license must be presented to a Village official annually.

SECTION 87. Trailer Outside "F" District:

- (a) No trailer coach shall be placed within the Village, for human habitation, unless the same is placed in a trailer coach park, or unless the same conforms to regulations as hereinafter provided. The owner of such trailer coach must first apply to the Village Board, on a form supplied by the Village, for permission to locate such trailer. The annual fee for such application shall be fifteen (15) dollars.
- (b) Any trailer coach placed within the Village outside the confines of a trailer coach park, or the "F" district, must conform to the following:
 - 1) The trailer coach must measure at least twelve (12) feet by sixty (60) feet, including tongue.
 - 2) The trailer coach must be placed upon property owned by the person owning the trailer coach.
 - 3) The trailer coach must be hooked up to the water and sewer system of the Village.
 - 4) The trailer coach must be set upon permanent cement or permanent cement block piers, and enclosed by skirting which has an access panel.
 - 5) The trailer coach must not be more than ten (10) years old and must be in good condition.
 - 6) Proof of ownership of the trailer coach must be presented at the time of applying for a permit.
 - 7) The Village shall have the right to inspect the trailer coach prior to issuing a permit.
 - 8) The trailer coach shall be equipped with two (2) U.L. approved smoke detectors, which shall be kept in working order at all times.
 - 9) Water meters shall be installed in trailer coaches in the manner and location required by the Village maintenance personnel.
 - 10) The permit shall expire if the trailer coach is not placed upon the lot within thirty (30) days after the permit is issued.
 - 11) A trailer coach must be made habitable within fifteen (15) days after it is placed upon the lot.
- (c) The Village shall have the right to accept or reject an application for a permit based upon the requirements set forth above.
- (d) The Village shall have the right to revoke a permit upon violation of the requirements set forth above.

- (e) The Ordinance Committee of the Village Board of Trustees shall perform a visual inspection of the trailer coach before issuing the permit called for herein.
- (f) All permits issued under this Section 86 of the Ordinance shall be valid for a twelve (12) month period and must be reviewed and renewed on an annual basis.

ARTICLE X

NONCONFORMING USES

SECTION 88. Any lawful building or structure, or lawful use of a building, structure, or land existing at the time of the passage of this Ordinance or a later amendment, which does not conform to the regulation of the district in which it is located, or of other provisions of this Ordinance, shall be known as nonconforming and may remain and the use thereof be continued as hereinafter provided.

A nonconforming use may be extended throughout the building provided no structural alterations are made therein, except those required by law or ordinances or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life, or of the erection of its full height, as originally planned of a building with foundations and structural members designed to carry a higher building. A nonconforming use of land shall not be expanded or extended beyond the area actually so used at the time of the passage of this Ordinance or of a later amendment creating the nonconformance and such use shall be restricted to that portion of the land being so used at the time of the passage of this Ordinance or of a later amendment creating the nonconformance.

Any nonconforming use of a building, structure, or land which is discontinued for a period of two (2) years or more, shall not be continued again, and any future use thereof shall be in conformity with the provisions of this Ordinance.

Any building or structure devoted to a nonconforming use which may be destroyed by fire, or otherwise, may be repaired or rebuilt within a period of two (2) years, but must be in conformity with the provisions of this Ordinance.

A nonconforming use may be changed to another nonconforming use of the same or higher classification, or a nonconforming use may be changed to a conforming use, but such shall not thereafter be changed to a less restrictive use.

A nonconforming use may be changed to another use normally permitted in the same district as the initial use only upon written consent of eighty (80) per cent of the property owners within a radius of three hundred (300) feet.

So long as a billboard or advertising sign is used or is eligible for use in conforming manner, only ordinary repairs and maintenance shall be permitted. In no case shall such repairs

include structural alterations, or other work which extend appreciably the normal life of the billboard or advertising sign.

SECTION 89. Special Permits: The President and Village Board may, by Special Permit, after a Public Hearing held by the Zoning Committee and advertised and subject to such protective restrictions that it deems necessary, authorize the location, extension, or structure alteration of any of the buildings or uses in any District from which they are prohibited or limited by this Ordinance, providing that such buildings or uses will not have any serious depreciating effect on the value of the surrounding property.

ARTICLE XI

EXCEPTIONS AND VARIATIONS

SECTION 90. No accessory building shall be constructed upon the lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes. An accessory building shall be similar in design, exterior residential materials, and roof pitch to the principal and surrounding residential neighborhood buildings. Storage containers, truck boxes, and plastic or fabric covered hoop structures are expressly prohibited from being used as accessory buildings. An accessory building with a footprint greater than four hundred (400) square feet shall be entirely placed on and attached to a concrete slab of equal or greater square footage.

SECTION 91. Fences may be erected to a height not to exceed six (6) feet along the boundary of a lot, except that no fence shall be erected within thirty (30) feet of the center of a street. Invisible or electronic fences shall not be installed within thirty (30) feet of the center of a street, nor within ten (10) feet of a sidewalk. Fences of any kind, type, or material require the purchase of a building permit.

(a) Exceptions:

1. Temporary fences made of woven wire material placed around flower and / or vegetable gardens and not exceeding four (4) feet in height will not require a building permit.
2. Wood or plastic snow fences for the purpose of limiting snow drifting between November 1st and April 1st, protecting construction and excavation sites, and protecting plants during grading and construction is permitted for up to one hundred eighty (180) consecutive days or for intervals not exceeding an aggregate of one hundred eighty (180) days in any calendar year and will not require a building permit.

SECTION 92. Temporary buildings that are used in conjunction with construction work only may be permitted in any District during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.

SECTION 93. A person may keep or maintain chickens within the Class “A” Residential Districts in accordance with the following provisions:

- (a) Chickens must be sheltered in coops meeting the requirements of an accessory building as set forth in Section 89.
- (b) No coop or enclosure used for the purpose of housing chickens shall be erected or maintained within ten (10) feet of a property line or within twenty (20) feet of any residence other than that of the owner of the chickens.
- (c) Every person maintaining a coop or enclosure for chickens shall keep such area clean and sanitary at all times. Any dirt or refuse resulting from the chickens shall be disposed of in a clean and sanitary fashion.
- (d) All feed for chickens shall be kept in containers that are rodent-proof until put out for consumption by the chickens.
- (e) A maximum of twelve (12) chickens shall be permitted on any property. Roosters shall be prohibited.
- (f) Every person maintaining a coop or enclosure for chickens shall register said coop or enclosure annually with the Village Clerk, who shall maintain a list of properties containing a coop or enclosure for chickens. Said coop or enclosure shall be inspected by a Village official or Village employee at the time of registration.

ARTICLE XII

BOARD OF APPEALS

SECTION 94. Creation and Membership: A Board of Appeals is hereby authorized to be established. The word “Board”, when used in this section, shall be construed to mean the Board of Appeals. The said Board shall consist of seven (7) members appointed by the President and with the consent of the Board of Trustees. The members of the first Board shall serve respectively for the following terms (or until their respective successors are appointed and qualified); One (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; one (1) for five (5) years; one (1) for six (6) years; and one (1) for seven (7) years, and five (5) years each for those following the first appointment. One (1) of the members of said Board shall be designated by the President, with the consent of the Board of Trustees, as Chairman of the Board, and shall hold his said office as Chairman until his successor is appointed. Such Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The President shall have the power to remove any member of said Board for cause and after a public hearing. Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member.

SECTION 95. Meeting: All meeting of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment, or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the Illinois Statutes in such case made and provided, and may select or appoint such officers as it deems necessary.

SECTION 96. Appeal: An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by an officer, department, Board, or Bureau affected by a decision of the Building Inspector relative to this Ordinance. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the section appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Inspector, and on due cause shown.

The Board shall select a reasonable time and place of hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 97. Fee: A fee of ten (10) dollars shall be paid at the time the notice of appeal is filed.

SECTION 98. Decision: The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises.

SECTION 99. Variations: When a property owner shows that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may make such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a

convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation in the following instances:

To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record.

To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty (50) per cent of its value, by fire, or act of God, or the public enemy, where the Board shall find some compelling public necessity requiring a continuation of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.

To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.

To make a variance where, by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions that strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulation and provisions contained in this Ordinance.

To interpret the provisions of this Ordinance where the street layout actually on the ground varies from the street layout as shown on the District Map by fixing the several districts.

To extend the period within which a nonconforming commercial or industrial use is to be removed from a dwelling district, when the owner or owners can furnish substantial proof that the building was so extensively remodeled, reconstructed, or structurally altered after the original construction that it practically resulted in a new building, but such extension of the period shall not exceed forty (40) years from the date of such remodeling, reconstruction, or structural alteration.

To permit a lot or tract to be subdivided and used by more than one main building even though the width of the lot and other similar requirements may not be fully complied with, but only when the distances between the proposed use and other existing structures or lot lines conforms to the minimum requirements of the district in which the lot is located and when adequate vehicular access can be provided.

SECTION 100. Vote Required: In considering all appeals and all proposed variations to this Ordinance, the Board shall, before making any variation from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established

property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village of Joy. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

SECTION 101. Notices: The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the Village at least fifteen (15) days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal.

ARTICLE XIII

BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

SECTION 102. No person shall commence excavation for, or the erection, construction, or alteration of any building without a building permit which may be renewed upon application and which shall expire twelve (12) months following issuance which shall be issued only upon application made to the Building Inspector on forms to be provided for such purposes and accompanied by proof of contractors', if any, insurance and by a fee as follows:

<u>ESTIMATED CONSTRUCTION COST</u>	<u>FEE</u>
\$0 - \$10,000	\$5.00
\$10,000 - \$25,000	\$7.50
Over \$25,000	\$10.00

No charge for buildings for Agricultural purposes One and One-half (1 ½) miles beyond the Corporate Limits.

Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building, shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Building Inspector. A certificate of occupancy shall be issued only after completion of the work, and inspection and approval thereof by the Building Inspector, and it shall state that the new occupancy complies with all provisions of this Ordinance.

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

SECTION 103. Nonconforming Uses: A certificate of occupancy shall be required of all nonconforming uses of land or buildings created by the passage of this amending Ordinance. Application for such certificate of occupancy for nonconforming uses shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such

nonconforming use within two (2) years from the effective date of this Ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy for non-conforming use.

Any nonconforming use for which an Occupancy Permit has not been obtained in conformity with the requirements of Section 101 of this Article shall be presumed to be operating in violation of this Ordinance and such use shall thereupon be abated.

**ARTICLE XIV
ENFORCEMENT**

SECTION 104. It shall be the duty of the Building Inspector to enforce this Ordinance. It shall also be the duty of all officers and employees of the Village of Joy and especially of all members of the Police Department to assist the Building Inspector by reporting to him upon new construction, reconstruction, or land uses, or upon seeming violations. The Building Inspector shall send a description of any violation of the zoning regulations to the Zoning Committee with fifteen (15) days after he discovers such violation.

SECTION 105. Appeal from the decision of the Building Inspector may be made to the Board of Appeals, as provided in Article XII.

**ARTICLE XV
VIOLATION AND PENALTY**

SECTION 106. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues.

SECTION 107. In case any building or structure is erected, constructed, reconstructed, altered, repaired, or converted, or any building, structure, or land is used in violation of this Ordinance, the Village Attorney, in addition to other remedies, may institute any proper action or proceedings in the name of the Village of Joy to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

**ARTICLE XVI
SEVERABILITY**

SECTION 108. Should any section, provision, part, or clause of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof than the part so declared to be invalid.

ARTICLE XVII

DATE OF EFFECT

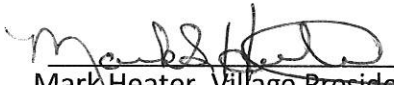
SECTION 109. This Ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety and shall be in full force and effect from and after its passage, approval, and recording and publication as provided by the Laws of the State of Illinois.

ARTICLE XVIII

AMENDMENT BY SECTION

SECTION 110. This Ordinance may be amended from time to time by publication of an amended section, or sections, without publication of the entire Ordinance.

PASSED by the Board of Trustees of the Village of Joy, Mercer County, Illinois this 21st day of September, 2022 and approved by the President of the Village of Joy, Mercer County, Illinois this 21st day of September, 2022.


Mark Heater, Village President

ATTEST:


Gwen Pritchett, Village Clerk

STATE OF ILLINOIS)

)

CERTIFICATION

COUNTY OF MERCER)

I, Gwen Pritchett, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of **ORDINANCE NO. 4, SERIES 2022, AN ORDINANCE AMENDING ORDINANCE NO. 1, SERIES 2022**, which was adopted by the President and Board of Trustees of said Village on the 21st day of September, 2022 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 21st day of September, 2022.


Clerk of the Village of Joy, Illinois

(CORPORATE SEAL)