

ORDINANCE 2020 - 32

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
VILLAGE OF BROOKFIELD, COOK COUNTY, ILLINOIS**

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 9TH DAY OF MARCH 2020

Published in Pamphlet form by
Authority of the Corporate
Authorities of the Village of
Brookfield, Illinois this 9th day
of March 2020.

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**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
VILLAGE OF BROOKFIELD, COOK COUNTY, ILLINOIS**

WHEREAS, the corporate authorities of the Village of Brookfield (the “Village”) are authorized by Article 11 of the Illinois Municipal Code (65 ILCS 5/Art. 11) to pass and enforce ordinances necessary to regulate various activities within the Village;

WHEREAS, the Village has codified certain ordinances necessary to regulate various activities within the Village into its Code of Ordinances, Village of Brookfield, Illinois;

WHEREAS, the corporate authorities of the Village find that updating and revising the Code of Ordinances, Village of Brookfield, Illinois, will further the goal of enhancing the efficient government regulation and will benefit the community; and

WHEREAS, the corporate authorities of the Village have determined that it is advisable, necessary and in the best interests of the Village to amend and update the Code of Ordinances of the Village of Brookfield, Illinois;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Brookfield as follows:

Section 1: Recitals.

The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: Amendment of Section 2-391.

Section 2-391 entitled “Established” of Article V entitled “Departments” of Chapter 2 entitled “Administration” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 2-391. - Established.

The executive and administrative powers and duties of the village shall be distributed and exercised through the following departments:

- (1) Administration department.
- (2) Finance department.
- (3) Department of public works and services.
- (4) Fire department.
- (5) Police department.
- (6) Department of community development.
- (7) Department of parks and recreation.

Section 3: Amendment of Section 2-394.

Section 2-394 entitled "Department of administration" of Article V entitled "Departments" of Chapter 2 entitled "Administration" of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 2-394. - Department of administration.

The department of administration, under the direction of the assistant village manager, shall include all of the administrative functions of the village exclusive of those assigned to other departments, and shall contain the following divisions:

- (1) Division of general services, which shall include all matters pertaining to office administration, personnel administration and clerical services.
- (2) Division of inspection under the chief building inspector, which shall include all matters pertaining to the inspection of the construction and alteration of buildings, and all matters pertaining to electrical installations and repairs and plumbing installations and repairs.

Section 4: Amendment of Section 2-396.

Section 2-396 entitled "Department of public works and services" of Article V entitled "Departments" of Chapter 2 entitled "Administration" of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 2-396. - Department of public works and services.

The department of public works and services, under the director of public works and

services, shall include matters pertaining to public works and services, and shall contain the following divisions:

- (1) Division of water, which shall include all matters pertaining to the water supply and sewage systems of the village.
- (2) Division of streets, which shall include all matters pertaining to the public streets and alleys.
- (3) Division of equipment maintenance, which shall include the operation of the village garage.

Section 5: Amendment of Article V.

Article V entitled “Departments” of Chapter 2 entitled “Administration” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended by adding thereto Section 2-399 entitled “Department of community development” and Section 2-400 entitled “Department of parks and recreation” to read as follows:

Sec. 2-399. - Department of community development.

The department of community development, under the director of community development, shall include matters pertaining to the economic development of the village’s tax base and the administration and enforcement of the village’s planning, zoning and building codes.

Sec. 2-400. - Department of parks and recreation.

The department of parks and recreation, under the director of parks and recreation, shall include matters pertaining to the quality recreation programming and special events to all people, infants to seniors, in an inclusive and welcoming environment. The department shall coordinate its activities with the parks and recreation board.

Section 6: Amendment of Section 12-94.

Section 12-94 entitled “Special provisions relative to house moving permits” of Article III entitled “Permits and Fees” of Chapter 12 entitled “Buildings and Construction” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 12-94. - Reserved.

Section 7: Amendment of Section 12-96.

Section 12-96 entitled “Prerequisites to issuance for shopping centers on state aid routes” of Article III entitled “Permits and Fees” of Chapter 12 entitled “Buildings and Construction” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 12-96. – Reserved.

Section 8: Amendment of Section 12-100.

Section 12-100 entitled “Deposit required prior to construction operations” of Article III entitled “Permits and Fees” of Chapter 12 entitled “Buildings and Construction” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 12-100. - Reserved.

Section 9: Amendment of Section 12-200.

Section 12-200 entitled “Required maintenance” of Division 3 entitled “Fences and Hedges” of Article IV entitled “Building Code and Regulations” of Chapter 12 entitled “Buildings and Construction” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 12-200. - Reserved.

Section 10: Amendment of Section 12-201.

Section 12-201 entitled “Construction requirements” of Division 3 entitled “Fences and Hedges” of Article IV entitled “Building Code and Regulations” of Chapter 12 entitled “Buildings and Construction” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 12-201. - Construction requirements.

- (a) All fences shall be constructed of new material. No single strand, electric, barbed wire or similarly hazardous fence shall be allowed within the village.
- (b) All fences shall be constructed with the finished or smooth side facing outward, that is all posts and supporting beams shall face toward the permit holder's property.
- (c) Uniform design shall be maintained along the entire length of each fence span.
- (d) The attachment of any fencing, screening or other material added to an existing fence is prohibited. However, this shall not preclude the installation of privacy slats to chainlink fencing.

Section 11: Amendment of Section 12-202.

Section 12-202 entitled "Nonconforming fences and hedges" of Division 3 entitled "Fences and Hedges" of Article IV entitled "Building Code and Regulations" of Chapter 12 entitled "Buildings and Construction" of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 12-202. - Reserved.

Section 12: Amendment of Section 26-26.

Section 26-26 entitled "Smoke emissions restricted" of Article II entitled "Air Quality Regulations" of Chapter 26 entitled "Health and Sanitation" of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 26-26. - Reserved.

Section 13: Amendment of Section 36-711.

Section 36-711 entitled "Construction operations" of Division 3 entitled "Noise" of Article XII entitled "Nuisances" of Chapter 36 entitled "Offenses and Nuisances" of the

Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 36-711. - Construction operations.

- (a) It shall be unlawful for any person to construct, demolish, alter or repair any building or structure, to grade mechanically land or excavate any ditch, trench, hole, streets and highways with powered mechanical equipment between the hours of 12:00 a.m. (midnight) to 7:30 a.m. and from 7:00 p.m. to 11:59 p.m. on weekdays (other than legal holidays), between the hours of 12:00 a.m. (midnight) to 8:00 a.m. and from 6:00 p.m. to 11:59 p.m. on Saturdays (other than legal holidays) and between the hours of 12:00 a.m. (midnight) to 9:00 a.m. and from 6:00 p.m. to 11:59 p.m. on Sundays and legal holidays. Emergency work and work undertaken by local, state, or federal governmental entities are exempt from this provision.
- (b) Upon written application to the village manager stating the applicant's name, the specific work to be done, the location of the work to be done and the time required to complete the work, the village manager may, in his/her discretion, issue written permission to undertake the construction, demolition, alteration or repair any building or structure, to grade mechanically land or excavate any ditch, trench, hole, streets and highways with powered mechanical equipment between the hours of 12:00 a.m. (midnight) to 7:30 a.m. and from 7:00 p.m. to 11:59 p.m. on weekdays (other than legal holidays), between the hours of 12:00 a.m. (midnight) to 8:00 a.m. and from 6:00 p.m. to 11:59 p.m. on Saturdays (other than legal holidays) and between the hours of 12:00 a.m. (midnight) to 9:00 a.m. and from 6:00 p.m. to 11:59 p.m. on Sundays and legal holidays if he/she determines that the public health and safety will not be detrimentally affected by the noise created by the work proposed to be performed. Permission granted under this subsection shall be for a period of no more than seven days and may be renewed for one period of no more than seven days. The village manager may, in his/her discretion, impose conditions and/or restrictions upon the permission granted.

Section 14: Amendment of Section 46-391.

Section 46-391 entitled "New curb cuts prohibited for residential uses or districts" of Division 4 entitled "Excavations" of Article VI entitled "Construction and Maintenance" of Chapter 46 entitled "Streets, Sidewalks and Rights-of-Way" of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 46-391. - New curb cuts prohibited for residential uses or districts.

- (a) For all properties improved with residential uses or located in residential zoning districts as defined by the zoning provisions of this Code, no new curb cut on a public street shall be permitted for an existing residential structure where an alley is available to be used for access. When a new residential dwelling structure is proposed to be built or where an alley is not available for access, a property owner may apply for a special use permit for a curb cut on a public street under the provisions of Chapter 62 of this Code, provided there is a minimum of a two-car attached garage being built as part of the new residential structure. For purposes of this section, a new residential dwelling structure means a structure used for a residential dwelling that requires the installation of a new building foundation and the construction of a new building on that foundation.
- (b) The department of public works and safety shall review the application and make a recommendation to the division of building and zoning of the department of administration. The zoning enforcement administrator or, in the absence of a zoning enforcement administrator, the village manager shall review the application.
- (c) Should the zoning enforcement administrator or, in the absence of a zoning enforcement administrator, the village manager find that the application complies with the requirements of this section, the application for a curb cut shall be approved and a curb cut permit shall be issued.

Section 15: Amendment of Section 46-394.

Section 46-394 entitled "J.U.L.I.E. processing fees" of Division 4 entitled "Excavations" of Article VI entitled "Construction and Maintenance" of Chapter 46 entitled "Streets, Sidewalks and Rights-of-Way" of the Code of Ordinances, Village of Brookfield, Illinois, as amended, shall be and is hereby further amended to read as follows:

Sec. 46-394. - Reserved.

Section 16: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions hereof.

Section 17: Effective Date.

This ordinance shall take effect upon its passage, approval and publication in pamphlet form.

ADOPTED this 9th day of March 2020, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this 9th day of March 2020.

Kit P. Ketchmark, President of the
Village of Brookfield, Cook County, Illinois

ATTESTED, filed in my office,
and published in pamphlet form
this 9th day of March 2020.

Brigid Weber, Clerk of the Village
of Brookfield, Cook County, Illinois