
ORDINANCE NO. 2023-24-29

An Ordinance Amending Section 6, Non-Conforming Buildings and Uses, by adding Section 6.10, Burden of Proof, Amending Section 20, Violations: Penalty, Amending Section 7.1 Accessory Buildings and Structures by adding Section 7.1-11, Limited Personal Storage, of the Johnsburg Zoning Ordinance

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A SPECIAL MEETING ON MARCH 11, 2024
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Beth Foreman
Mike Fouke
Josh Hagen
Greg Klemstein
Jamie Morris
Scott Letzter

Village Administrator

Claudett Sofiakis

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BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: The Village of Johnsburg Zoning Ordinance shall be amended to add a new Section 6.10, *Burden of Proof*, to Section 6, *Non-Conforming Buildings and Uses*, of the Village of Johnsburg Zoning Ordinance as follows:

6.10 BURDEN OF PROOF:

In the event that a property owner claims that a use or structure that is not in compliance with the regulations of this Zoning Code is a legal, nonconforming use or structure, as the case may be, it shall be such property owner's burden, by demonstrating through clear and convincing evidence, that such use or structure is a legal, nonconforming use or structure.

SECTION 2: That Section 20, *Violations: Penalty* of the Johnsburg Zoning Ordinance shall be amended so as to delete the stricken through text and add the underlined text as follows:

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 be fined not less than \$~~200~~5.00 no more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Any person, firm or corporation who uses all or portion of property for a structure or use set forth in a variance or special or conditional of, use permit but without complying with a specified condition in such variance or special or conditional use permit for such structure or use, as the case may be, shall be fined not less than \$200.00 nor more than \$500.00 for each day that such structure or use is utilized without being in compliance with any required condition for such structure or use, as the case may be.

SECTION 3: That Section 7.1, *Accessory Buildings and Structures*, shall be amended to add a new Section 7.1-11, *Limited Personal Storage*, to the Village of Johnsburg Zoning Ordinance as follows:

7.1-11 LIMITED PERSONAL STORAGE

Motor homes, snowmobiles, recreational vehicles, campers, non-highway vehicles and boats and other watercraft such as by way of examples, jet skis, as well as trailers with any snowmobile, boat, jet ski or other water craft situated upon them, may be parked or stored on driveways and the side or rear yard only on private property limited to a maximum of four (4) subject to and contingent upon each described item being currently registered with the applicable regulatory agency in the name of the owner of the property on which the parking or storage is occurring. The regulatory agency for a snowmobile, jet ski, boat or other watercraft shall be registered with the Illinois Department of Natural Resources unless such boat or other watercraft, as the case may be, is exempt from registration under the Boat Registration and Safety Act in which case such registration will not be required. The regulatory agency for a motorhome, recreational vehicle, camper or trailer shall be the Illinois Department of Motor Vehicles unless such item is exempt from registration in which case such registration shall not be required. Motor homes, recreational vehicles, campers, trailers, boats, or other watercraft such as, by way of example, jet skis, may be parked on a driveway, side yard or rear yard only.

Guests of any owner or guest of any occupant of any dwelling in the Village may park a motor home, recreational vehicle or camper in the side or rear yard of such private property for not more than seven (7) days, provided the mobile home or motorhome is used for sleeping purposes only during such period.

Nothing in this Ordinance shall negate or supersede any recorded subdivision restrictive covenant or condition regulating the parking of vehicles, motor homes, recreational vehicles, campers, trailers and boats.

Notwithstanding anything herein to the contrary, there shall be no more than two trailers parked or stored on a driveway and/or the side or rear yard on private property if both such trailers do not have a snow mobile, non-highway vehicle, boat or other watercraft such as a jet ski situated upon them.

PENALTY. Unless otherwise provided, any person, firm, or corporation violating 7.1-11 shall be fined not less than \$250.00 per day for each offense.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: This ordinance does not repeal, replace or modify Section 12.06(A) of the Village's Municipal Code.

SECTION 6: This Ordinance shall be in full force and effect ten days after its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Letzter, Foreman, Klemstein and Morris

Voting Nay: Trustee Hagen and Fouke

Abstain: None

Absent: None

APPROVED:



Village President Edwin P. Hettermann



ATTEST:


Village Clerk Claudett E. Sofiakis

Passed: March 11, 2024

Approved: March 11, 2024

Published: March 11, 2024

CERTIFICATION

I, CLAUDETT E. SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.


I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 11th day of March, 2024 the foregoing Ordinance entitled, *An Ordinance Amending Section 6, Non-Conforming Buildings and Uses, by adding Section 6.10, Burden of Proof, Amending Section 20, Violations: Penalty, Amending Section 7.1 Accessory Buildings and Structures by adding Section 7.1-11, Limited Personal Storage, of the Johnsburg Zoning Ordinance* was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2023-24-29, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 11th day of March 2024, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 11th day of March, 2024.





Claudett E. Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois