

CHAPTER 26¹
AIRPORT HAZARD ZONING REGULATION

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26.01 INTRODUCTION

A. Airport hazard zoning regulations are to administer and enforce requirements that control and restrict the height of structures, equipment and vegetation, and to regulate the use of property on or in the vicinity of the Lake in the Hills Airport by creating appropriate surfaces, and establishing the boundaries of such surfaces, defining certain terms used herein; providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration. The Airport hazard area extends not more than two miles from the boundaries of the Lake in the Hills Airport (620 ILCS 25/13).

B. These Airport Hazard Zoning Regulations are adopted at the request of the Village, as owner of Lake in the Hills Airport, pursuant to the authority conferred by the State of Illinois Statute Airport Zoning Act (620 ILCS 25/1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of the Lake in the Hills Airport and of

¹ Established 3/27/86.

occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Lake in the Hills Airport and the public investment therein.

1. Accordingly, it is declared:
 - a. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the Lake in the Hills Airport;
 - b. That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards shall be prevented; and
 - c. That the prevention of these hazards should be accomplished to the greatest extent legally possible, by the exercise of the police power, without compensation.
 - d. The prevention of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which the Village and its political subdivisions may raise and expend public funds and acquire land or property interests therein.
2. It is hereby determined by the Village that the Airport Hazard Zoning Regulations for the Lake in the Hills Airport be adopted as provided herein.

26.02 ADOPTION OF AIRPORT HAZARD ZONING CODE

The following list of codes are hereby adopted and amended as part of the Lake in the Hills Airport Hazard Zoning Code. Each and all of the regulations, provisions, penalties, conditions and terms contained are hereby referred to, adopted, and made part hereof as if fully set forth in this chapter:

1. Illinois Title 92, Chapter I: Department of Transportation, Subchapter b: Aeronautics, Part 16 Airport Hazard Zoning

26.03 DEFINITIONS

Terms used in this chapter have the following definitions:

Airport: Any area of land, or water, or both, designed and set aside for the landing and takeoff of aircraft and utilized or to be utilized in the interest of the public for such purpose. The Lake in the Hills Airport located in Lake in the Hills, IL, which includes the main east-west runway 8/26 as shown on the approved Airport Layout Plan (ALP).

Airport Elevation: The established elevation of the highest point on the useable landing strip; the established Airport elevation shall be 888 feet above mean sea level (AMSL).

Airport Hazard: Any structure, vegetation, equipment, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or takeoff, or maneuvering at or near the Airport.

Airport Layout Plan or "ALP": means the plan for an airport showing the layout of existing and proposed airport facilities.

Airport Reference Point or "ARP": The point established as the approximate geographic center of the Airport landing area. This point is designated as at latitude 42 degrees 12 minutes 25 seconds north and 88 degrees 19 minutes 23 seconds west.

Alteration: Any construction which would result in a change in height of any dimensions of an existing structure.

Construction: The erection or alteration of any structure either of a permanent or temporary character.

Department: The Illinois Department of Transportation, Division of Aeronautics.

FAA: The United States Department of Transportation, Federal Aviation Administration.

Final Approach and Takeoff: A defined object-free area over which the final phase of the approach to a hover or landing is completed and from which the takeoff is initiated.

Height: The overall height of the top of a structure, including any appurtenance installed upon it, for the purpose of determining the height limits in all zones set forth in these Airport Hazard Zoning Regulations and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

Imaginary Surface: A geometric surface used to describe the height limitations.

Landing Area: The area of the Airport used for the landing, taking off or taxiing of aircraft.

Mean Sea level or MSL: An altitude expressed in feet measured from sea level as referenced by the NAVD 88 or subsequent datum.

Non-Conforming Use: Any structure, vegetation or use of land which is lawfully in existence at the time these Airport Hazard Zoning Regulations or any amendment thereto become effective and do not then meet the requirements of said regulations.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal electronic guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration (FAA) planning document.

Permit: A permit issued by the Village of Lake in the Hills pursuant to Section 26.07 herein.

Person: An individual, firm, partnership, corporation, company, association, joint stock association or body politic, and including any trustee, receiver, sponsor, assignee, administrator, executor, guardian or other representative.

Political Subdivision: Any municipality, city, incorporated town, village, county, township, district or authority, or any combination of the above, situated in whole or in part within any of the surfaces established by Section 26.04 herein.

Runway: An area of the Airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

Slope Ratio: A numerical expression of a stated relationship of height to horizontal distance; e.g., 100 to 1 means 100 feet of horizontal distance for each one foot of vertical distance.

State: The State of Illinois.

Structure: Any form of construction or apparatus of a permanent or temporary character, constructed or installed, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Utility Runway: A runway that is constructed for and intended to be used primarily for propeller driven aircraft of 12,500 pound maximum gross weight or less.

Variance: A grant of relief by the Village from the requirements of these Airport Hazard Zoning Regulations, in accordance with Section 26.09 herein.

Vegetation: Plant life in general.

Visibility Minimums: The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

Visual Runway: A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach procedure and no instrument designation planned for indicated on a FAA planning document.

Waste Disposal Operations: All solid waste landfills, enclosed trash transfer stations, composting operations, recycling centers, construction and demolition debris facilities, fly ash disposal facilities, wastewater discharge and sludge disposal, and underwater waste discharges are hereby presumptively declared to interfere with the health and safety of pilots and the public and are hereby prohibited within two statute miles of

the surface of any Airport runway, including any emergency runway.

26.04 SURFACES AND HEIGHT LIMITATIONS

A. The following airport imaginary surfaces are established with relation to the Airport and to each runway. The size of each such imaginary surface is based on the category of aircraft expected to use the runway and the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

B. Height limitations are established through the use of airport imaginary surfaces in order to carry out the provisions of these Airport Hazard Zoning Regulations. Such surfaces shall include all of the land lying within the primary surface and approach surface. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation. A graphic representation of the height limitations, and other surfaces, can be found in the Airport Layout Plan (ALP). These surfaces may extend vertically to a height of 50 feet above the ground. Above 50 feet height, the State of Illinois Part 16 Airport Hazard Zoning rule becomes effective.

C. Except as otherwise provided in these Airport Hazard Zoning Regulations, no structure, equipment, vegetation, or materials shall be erected, altered, allowed to grow or maintained in any surface created by these Airport Hazard Zoning Regulations to a height in excess of the height limit herein established for such surfaces.

D. The surfaces and height limitations established by this Airport Hazard Zoning Regulations take into consideration future alterations of an airport, including runway relocation, extension, and new construction, as well as changes in runway approaches. No person may cause or allow a structure or vegetation to penetrate a surface associated with a planned change at an airport covered by these regulations or penalties will be imposed. Future changes planned by the airport may be found on the ALP which can be viewed by contacting the airport manager.

E. The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces as follows:

1. *Horizontal surface.* Not applicable. Reference Illinois Title 92, Chapter I: Department of Transportation, Subchapter b: Aeronautics, Part 16 Airport Hazard Zoning.
2. *Conical surface.* Not applicable. Reference Illinois Title 92, Chapter I: Department of Transportation, Subchapter b: Aeronautics, Part 16 Airport Hazard Zoning.
3. *Primary surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is 500 feet for nonprecision instrument approach runways having existing or proposed visibility minimums greater than three-fourths statute mile.
4. *Approach surface.* A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
 - a. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 3,500 feet for that end of a nonprecision instrument runway, having visibility minimums greater than three-fourths of a statute mile.:
 - b. The approach surface extends for a horizontal distance of 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all nonprecision instrument

runways.

5. *Transitional surface.* These surfaces extend outward and upward in a direction perpendicular to the runway centerline and to an extension of that line at a slope of 7 feet horizontally for each foot vertically (7:1) beginning at the sides of the primary surface extending to the horizontal surface.
6. *Circling Approach Surfaces. Not applicable.* Reference Illinois Title 92, Chapter I: Department of Transportation, Subchapter b: Aeronautics, Part 16 Airport Hazard Zoning.

26.05 USE RESTRICTIONS

Notwithstanding any other provisions of these Airport Hazard Zoning Regulations, no use may be made of land or water within two air miles of the surface of any Airport runway (620 ILCS 25/13) by these zoning regulations as follows:

1. Electrical or Electronic Interference:
 - a. No use shall be made as to create electrical, electronic or electro-magnetic interference with aeronautical navigational signals, radio, or radar communication between the Airport or with aircraft using the airport's facilities. When a hazard exists, the Village will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within this period of time specified in the letter, to avoid penalties.
 - b. If a complaint of such interference is received by the Village, it shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the Airport, the traffic patterns at the Airport, the time of day and frequency of the interference.

2. Illuminated Structures or Light Sources:

- a. No installation and use of flashing or illuminated advertising or business signs, billboards, spotlights or any other type of illuminated structure or light source that will be hazardous for pilots shall be permitted.
- b. Before it is determined that a hazard exists, the Village will observe all relevant factors including, but not limited to, assessing the difficulty pilots have in distinguishing between Airport lights and others, or that result in glare in the eyes of pilots using the Airport, thereby impairing visibility in the vicinity of the Airport or endangering the landing, takeoff or maneuvering of aircraft, the proximity of the illuminated structure or light source to the Airport and the traffic patterns at the Airport. When a hazard exists, the Village will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within this period of time specified in the letter, to avoid penalties.

3. Environmental Discharge:

- a. A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the Airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the Airport.
- b. A use that emits thermal discharge (e.g., steam from a power plant) where aircraft limit loads may be exceeded.
- c. A use that significantly causes air turbulence (e.g., exhaust from a peaker

plant) where aircraft limit loads may be exceeded.

- d. Any other kind of emission that may cause a safety of flight issue as determined by the Village.
- e. In determining if such an emission or discharge would interfere with the health and safety of pilots and the public, the Village shall consider all relevant factors which include, but are not limited to, the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day and volume and type of aircraft which use the Airport.

4. Birds:

- a. Any condition whether natural or unnatural which serves as an attraction to birds.
- b. In determining if such condition serves as an attraction to birds, thereby interfering with the health and safety of pilots and the public, the Village shall consider all relevant factors which include, but are not limited to, the source of said condition, the frequency of birds to be attracted to the condition in question, the number of birds which are so attracted and the volume and type of aircraft which use the Airport. When a hazard exists, the Village will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within this period of time specified in the letter, to avoid penalties.
- c. Sanitary landfills, waste transfer stations, or solid waste stored outdoors, are hereby presumptively declared to be an attraction to birds and are hereby prohibited within five statute miles of the airport boundary.

26.06 PRE-EXISTING, NON-CONFORMING USES

A. REGULATIONS NOT RETROACTIVE: The surface regulations prescribed by these Airport Hazard Zoning Regulations shall not be construed to require the removal, lowering or other changes or alteration of any structure or vegetation not conforming to the regulations as of the effective date of these Airport Hazard Zoning Regulations or otherwise interfere with the continuance of any non-conforming use.

B. MARKING AND LIGHTING:

1. Notwithstanding the provisions of Section 26.06-A herein, the owner of any pre-existing non-conforming structure may be compelled at his own expense to install, operate, and maintain markers and lights as deemed necessary by the Village.
2. In determining the necessity for markers and lights, the Village shall consider all relevant conditions, including but not limited to, the traffic patterns, the volume and type of aircraft at the Airport, the general weather patterns in the vicinity, the topography of the Airport and the surrounding area, the height of the structure and its proximity to the approach and transition slopes of the existing runways.

26.07 PERMITS

A. A permit from the Village is required before any person makes any use, or a change in use, of any land or water beneath any surface established by this part or when such use may create an airport hazard in accordance with the criteria set forth below in this subparagraph A. Use may include, but is not limited to the following:

1. constructing or altering a structure of less than fifty feet in height in a manner that the new structure penetrates any surface listed herein;

2. erecting or altering any device, including mobile items such as vehicles or cranes, which is less than fifty feet in height;
3. causing or allowing an accumulation of earth, debris, or other materials which is less than fifty feet in height in a manner that the new material penetrates any surface or is closer than ten feet to the surface;
4. planting vegetation, which is less than fifty feet in height; that penetrates any surface or is closer than ten feet to a surface;
5. allowing vegetation such as trees, which is less than fifty feet in height, to penetrate any surface;
6. causing or allowing the emission of smoke, light or reflection, electromagnetic energy, etc. (environmental emissions);
7. use of kites or balloons, whether tethered or not; and
8. use of fireworks.

B. A permit from the Village is also required for any penetrations, any one of which is less than fifty feet in height, of the notification surface (see Section 26.11) up to the airport imaginary surface (see Section 26.04).

C. A permit from the Village relative to Section 26.07 (A) and (B) will be issued by the Village Administrator or his/her designee within 30 calendar days after receipt of the notice (see Section 26.11) or within 30 calendar days after receipt of supplemental information, if applicable (see Section 26.11(C) (2) (C)).

D. Conditions which warrant a permit from the Department can be found in the State's Part 16 Airport Hazard Zoning rule.

E. Any permits issued from the Department shall include a copy to the Village.

F. Permits issued by the Department supersede permits issued by the Village. Only one permit is required.

G. Except as provided herein, applications for permits shall be granted.

26.08 PRE-EXISTING, NON-CONFORMING STRUCTURES OR USES OR VEGETATION, ABANDONED OR DESTROYED

Whenever the Village determines that a pre-existing, non-conforming structure or use or vegetation of less than fifty feet in height that has been abandoned or is more than 80 percent demolished, destroyed, physically deteriorated or decayed:

A. No permit shall be issued by the Village that will allow such pre-existing non-conforming structure or use or vegetation of less than fifty feet in height to exceed the applicable height limit or otherwise deviate from these Airport Hazard Zoning Regulations; and

B. Whether or not application is made for a permit, the Village shall issue an order pursuant to Subsection (3) of this Section in cases where the remaining structure or use or vegetation constitutes a violation of these Airport Hazard Zoning Regulations, compelling the owner of the pre-existing non-conforming structure or use or vegetation, at his/her own expense, to lower, remove, reconstruct or equip the structure or use or vegetation as may be necessary to conform to these Airport Hazard Zoning Regulations. If the owner of the pre-existing non-conforming structure use or vegetation neglects or refuse to comply with the order within 10 days after receipt, the Village may proceed to have such structure use or vegetation so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the Village, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Village by suit in equity for the enforcement thereof as in the case of other liens.

C. The Village shall issue an order if it is determined that the non-conforming structure or use or growth interferes with the traffic patterns at the Airport. In making such a determination the Village shall consider factors which include, but are not limited to, the type of aircraft using the Airport,

and whether or not the Airport has precision instrument or instrument runways.

D. The Department shall have jurisdiction relative to each pre-existing, non-conforming structure or use or vegetation of fifty feet or more feet in height that has been abandoned or is more than 80% demolished, destroyed or physically deteriorated.

26.09 VARIANCES

A. GENERAL: Any person wishing to erect or increase the height of any structure of less than fifty feet in height, or permit any vegetation or use his property of less than fifty feet in height not in accordance with these Airport Hazard Zoning Regulations, must obtain from the Village a variance from these Airport Hazard Zoning Regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these Airport Hazard Zoning Regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these Airport Hazard Zoning Regulations.

Any person wishing to erect or increase the height of any structure of fifty feet or more in height, or permit any vegetation or use his property of fifty feet or more in height not in accordance with these Airport Hazard Zoning Regulations, must obtain from the Department a variance from these Airport Hazard Zoning Regulations.

B. MARKING AND LIGHTING: Any variance granted by the Village may be so conditioned as to require the owner of such structure or vegetation of under fifty feet in height to permit, at the expense of the owner, the installation, operation and maintenance of markers and lights as may be required to indicate to pilots the presence of such structure or vegetation.

C. In making the determination to allow variances, the Village will consider, but is not limited to considering;

1. The proximity of the hazard to the normal flight path or traffic patterns at the Airport;

2. The proximity of other non-conforming uses, structures or vegetation that would impair the use of the Airport;
3. The height of the object;
4. The volume of air traffic at the Airport;
5. The type of aircraft using the Airport;
6. The type of navigational aids used at the Airport;
7. The length and width of existing runways;
8. The plans for future expansion of the Airport;

D. A decision to grant or deny a variance will be made by the Village Board of Trustees within 60 calendar days after receipt of the notice (see Section 26.11) or within 30 calendar days after receipt of supplemental information (see Section 26.11) (C) (2) (c). The person or sponsor may appeal any decision made by the Village (see Section 26.14).

E. Any person having an interest in a parcel of property may apply for a variance of the literal enforcement of these Airport Hazard Zoning Regulations. Public hearings will be held as necessary to hear said petitions for variances as set forth in the Zoning Ordinance of this Code.

Procedures for notice of public hearings are set forth in Section 23 of the Village Zoning Ordinance. Applicants shall be required to pay all publication costs incurred.

Fees and costs of said petition for a variance are set forth in the Zoning Ordinance of this Code.

F. No part of this Section 26.09 is intended to change a person's right to petition for a variance from the literal enforcement of this Chapter 26.

G. EXPIRATION: An ordinance approving a variance shall be valid for no longer than one year from the date of adoption unless a building permit has been issued for said variance. Applicants may request a time extension if warranted.

26.10 **CONDITIONAL USES**

A. **PURPOSE:** Despite the restrictions contained in this Chapter, certain other uses may be permitted upon the issuance of a conditional use permit as provided for in this Section. Conditional uses are uses not allowed in a particular zoning district but otherwise allowed by the Zoning Ordinance, but which may have an unusual and/or adverse impact on the safety of the surrounding properties or the community, including aircraft operations conducted at the Lake in the Hills Airport, or that may adversely affect present and/or future land use activity. The location, design and conditions of operation of these conditional uses require special review by the Planning and Zoning Commission and Village Board in accordance with the procedures set forth in this Section.

The following land uses are hereby expressly recognized as conditional uses: waste disposal operations including, but not limited to, all enclosed trash transfer stations, waste transfer stations, composting operations, recycling centers, construction and demolition debris facilities, fly ash disposal facilities, wastewater discharge and sludge disposal, and underwater waste discharges within two statute miles of the surface of any Airport runway.

B. **CONDITIONS OF APPROVAL: WASTE DISPOSAL OPERATIONS:**

1. It is intended that the approval of a conditional use permit does not change the underlying zoning designation of land. Unless specifically waived or varied by the Village Board as part of the issuance of a conditional use permit as provided for in this section, all other zoning regulations shall apply. The Village may impose conditions or restrictions on a proposed conditional use that it believes are necessary to ameliorate any potential dangerous conditions and/or effects of said conditional use. The conditions required as a part of the approval of a conditional use permit applicable to waste disposal operations shall:
 - a. Require the proponent/operator to include, in the conditional use permit application,

all applicable information required by the Illinois Department of Natural Resources, the Federal Aviation Administration, and any other federal, state, regional or local authority to evaluate a permit application, including, but not limited to, a detailed site plan of the proposed facility, siting, design, operation, storage, reporting assurances and emergency response and remedial action plans.

- b. Require the proponent/operator to commission, develop and implement, at the expense of proponent/operator, a comprehensive Wildlife Hazard Management Plan for the operation of the waste disposal operation(s) prior to applying for any conditional use permit. Said plan should consider any synergies created by the proximity of the Airport, the retention ponds located immediately to the north and east of the Airport, and the location of the proposed waste disposal operation(s). Said plan must be attached to the conditional use permit application.
- c. Require that all aspects of the transfer station use and operation, including design, location, operation, maintenance and reporting, shall be consistent with local, state and federal regulations.
- d. Require that public access to the facility be controlled as necessary to prevent unauthorized entry and dumping.
- e. Require the proponent/operator to properly supervise the waste operation(s) to assure that bird and/or other wildlife populations are not increasing and that appropriate control procedures are being followed. The proponent/operator is further required to record and report to the Village any increase in bird/other wildlife populations and/or activity at the site.

- f. Require that any increases in bird activity that might be hazardous to safe aircraft operations result in prompt mitigation actions being taken by the proponent/operator and/or closure of the waste disposal operation(s).
- g. Require that, in the facility's operation, the facility shall:
 - i. Only receive garbage from behind closed doors;
 - ii. Process the garbage via compaction or other similar method approved by the Village;
 - iii. Remove all residue by enclosed vehicles;
 - iv. Not handle/store any waste outside or in partially enclosed structures;
 - v. Only conduct waste disposal operation(s) within a totally enclosed building in such a manner so as there are no outward indications that waste disposal operations are underway indoors;
 - vi. Manage odor control with approved ventilation and filtration systems (odor masking shall not be permitted);
 - vii. Clean and keep clean all transfer containers as needed to maintain a sanitary operating environment, and prevent all odors, unsightliness and attraction of wildlife and/or insects;
- h. Require all solid waste transfer vehicles and devices servicing the facility to be constructed, maintained and operated so as to prevent leaking, shifting or spilling of

waste while in transit, while loading or while unloading.

- i. Require proponent/operator, in the operation of the facility, to provide rodent and insect control measures as necessary to prevent vector production and/or sustenance and any attraction of birds and/or other wildlife.
 - j. Require the proponent/operator to submit to an annual review upon request of the facility's operation conducted by the Village and the Department to determine whether the permit should be amended.
 - k. Require the proponent/operator, upon request, to make all records and reports related to the permitted facility available to the Village and Department for inspection.
 - l. Require the proponent/operator to cooperate with the Village in order to facilitate periodic Village inspections of the facility as the Village may deem necessary. The proponent/operator shall authorize access to the Village to conduct such inspections. The Village may require the operator to submit periodic reports from licensed engineers regarding air quality, wildlife attraction, noise generation or other noxious emissions testing or analysis. The costs of any such reports are to be paid by the proponent/operator.
2. At any time in the life of the permit, the Village or the permittee may propose changes to the permit.
 3. The requirements herein are meant to be of an ongoing nature. Failure of the proponent/operator to abide by these requirements at any time, as determined by the Village, constitutes grounds for immediate revocation of any conditional use

permit issued hereunder and immediate closure of the waste disposal operation(s).

4. In making the determination to allow a conditional use, the Village shall consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the Airport, any synergies created by the proximity of the Airport, the retention ponds located immediately to the north and east of the Airport, and the location of the proposed waste disposal operation(s), the proximity of other non-conforming uses, structures or objects of natural growth which would impair the use of the Airport, the type of aircraft using the Airport, the length and width of existing runways and future expansion plans of the Airport, whether the use, or materials incidental thereto or produced thereby, may give off obnoxious gases, odors, smoke or soot, whether the use will cause emissions of electrical discharges, dust, light, vibration or noise, whether a hazard to life, limb or property exists because of conditions created or which may be created by reason or as a result of the use, and what measures could be effectuated to eliminate or mitigate any such hazards.

C. RESTRICTIONS OF OPERATIONS: Reasonable restrictions upon operations may be imposed which are calculated to secure the purposes of this Section and the purposes of the comprehensive plan and this Chapter. Such restrictions may relate to any activity anticipated from the use proposed. Examples include hours of operation, traffic volume, types of materials processed, volumes of materials handled, setbacks, etc.

D. PERMIT PERIODS: The Village shall specify either a date upon which a permit expires, or the occurrence of an event upon which the permit expires. Permit renewals shall be processed in the same manner as new applications.

E. APPLICATION: A verified application, signed by the owner or authorized agent of the owner of the property involved in the conditional use request shall be filed with the Community

Development Department upon a form prescribed therefore, which shall contain or be accompanied by all required information.

Information regarding the permit process for conditional uses can be found under the Village Zoning Ordinance, Section 24.

F. FEE: Each application shall be accompanied by payment of the required fee as determined from time to time by the Board of Trustees.

G. ADDITIONAL CONDITIONS: Any additional conditions may be imposed upon the granting of a conditional use permit, which are calculated to further the purposes of this Section, and/or the purposes for which the permit is issued, and/or the purposes for which the permit is required.

26.11 NOTICE OF CONSTRUCTION OR ALTERATION

A. CONSTRUCTION OR ALTERATION REQUIRING NOTICE: (14 CFR 77.13). The Village shall be notified by each person (sponsor) who proposes any of the following described construction or alterations of any structure on or in the vicinity of the Airport with respect to the surfaces and height limitations established by Section 26.04 herein with respect to the Lake in the Hills Airport:

1. Any construction or alteration which is less than fifty feet in height but which is of greater height than an imaginary surface extending outward and upward at the following slope: 50 to 1 for a horizontal distance of 2,500 feet from the nearest point of the nearest runway of the airport.
2. Any highway, railroad or other traverse way for mobile objects, of a height that would exceed a standard described in this section if adjusted upward 17 feet for an interstate highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road,

whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of Section 26.10-A-1 or Section 26.10-A-2 herein.

3. Any construction or alteration of less than fifty feet in height that would exceed a standard of the statute or these Airport Hazard Zoning Regulations.

B. FORM AND TIME OF NOTICE:

1. Each person who is required to notify the Village shall do so at the Lake in the Hills Village Hall, 600 Harvest Gate, Lake in the Hills, IL 60156, Attention: Administrator.
2. Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
3. Each person who is required to notify the Village pursuant to Section 26.10-A herein, shall electronically submit to the FAA's OE/AAA website the FAA Form 7460, "Notice of Proposed Construction or Alteration".
4. In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 calendar day requirement of this regulation does not apply and notice may be communicated to the Village by telephone (847-960-7410), facsimile (847-960-7415), or other expeditious means, with a completed FAA Form 7460-1 submitted to the Village within 5 calendar days after the emergency. For example, an emergency could include breaks in sewer lines, gas mains, or power lines.

C. ACKNOWLEDGMENT OF NOTICE:

1. The Village will acknowledge in writing the receipt of such notice submitted under Section 26.10-A herein within 30 days of receipt of such notice.
2. The Village will submit the notice of construction or alteration to the FAA for an airspace determination. This process takes 30 to 60 days. Upon receipt of a determination by the FAA, the Village will relay inform the applicant that the proposed construction or alteration has resulted in a determination that the construction or alteration for which the Village has jurisdiction:
 - a. will require lighting or markings;
 - b. will not be in violation of this part or Village Standards;
 - c. will require supplemental information (e.g., certified engineering/survey data from a professional engineer, architect or surveyor on the certifier's letterhead regarding the proposed site location and height. Once the supplemental information has been reviewed by the Village, a second acknowledgment will be sent to the person or sponsor and a determination concerning the proposed construction or alteration will again be made pursuant to subsection C of this Section;
 - d. will require a permit from the Village;
 - e. will require a variance from the Village; or
 - f. will be acceptable, as submitted.
3. Compliance with Acknowledgement. The person or sponsor that notifies the Village of the construction or alteration of a structure for which the Village has jurisdiction shall have the

sole responsibility to comply with the requirements set forth in the Village's acknowledgement as described in subsections (C) (2) (a), (c), (d) and (e) of this section.

26.12 FEES AND COSTS

The following fees must accompany applications which are filed with the Village under these Airport Hazard Zoning Regulations:

Petition for a variation, \$250.00;

Permit application for a proposed construction or alteration, \$250.00; and

The petitioner shall, in addition to such fees, bear the cost of public notice when public notice of hearings is required, bear the cost of publication of ordinances when publication of ordinances is required, and bear the cost of all fees and expenses incurred by the Village, including but not limited to, fees charged by a professional land consultant, attorneys fees and engineers fees, when those fees are incurred by the Village regarding any petitions which are filed under the Airport Hazard Zoning Regulations.

26.13 ENFORCEMENT

It shall be the duty of the Village to administer and enforce these Airport Hazard Zoning Regulations for which it has jurisdiction. Applications for those permits and variations, required by these Airport Hazard Zoning Regulations to be submitted to the Village, shall be on forms furnished by the Village and shall be promptly considered and granted or denied.

26.14 APPEAL AND JUDICIAL REVIEW

A. APPEAL: Any person aggrieved by a decision of the Village made in the administration of these Airport Hazard Zoning Regulations may apply to the Village Board to reverse, wholly or partly, or modify or otherwise change, abrogate or rescind any such decision. The procedure prescribed by statute for proceedings before a Board of Appeals shall govern such application to the Village (620 ILCS 25/29a).

B. JUDICIAL REVIEW: Any person aggrieved, or any taxpayer affected by any decision of the Village, may appeal to the Circuit Court of McHenry County, Illinois, in accordance with the provisions of an act entitled *The Administrative Review Law* (735 ILCS 5/3-101 et. seq.).

26.15 PENALTIES

A. Each violation of these Airport Hazard Zoning Regulations or of any regulations, orders or rulings promulgated hereunder for which the Village has jurisdiction shall constitute an airport hazard and a petty offense, and such hazard shall be removed by proper legal proceedings, and each day a violation continues to exist shall constitute a separate offense.

B. 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 Chapter 26 for which the Village has jurisdiction shall be fined not less than \$100.00 nor more than \$750.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

C. In addition, the Village may institute in the Circuit Court of McHenry County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these Airport Hazard Zoning Regulations for which the Village has jurisdiction, or of any regulation, order or ruling made in connection with their administration or enforcement (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case for which the Village has jurisdiction, in order to fully effectuate the purposes of these Airport Hazard Zoning Regulations for which the Village has jurisdiction as adopted and orders and rulings made pursuant thereto.

D. If the Village is forced to initiate legal proceedings or defend itself in legal proceedings in regard to these ordinances in Chapter 26 for which the Village has jurisdiction, thereby incurring legal expenses and attorneys fees, and said Village prevails in said proceedings, the Village shall be entitled to reasonable attorney's fees and costs from the non-prevailing party.

26.16 CONFLICTING REGULATIONS

Where a conflict exists between any of these Airport Hazard Zoning Regulations and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, the use of land or any other matter, the more stringent regulation or ordinance shall govern and prevail.

26.17 SEVERABILITY

If any of the provisions of these Airport Hazard Zoning Regulations or the application of it to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these Airport Hazard Zoning Regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these Airport Hazard Zoning Regulations are declared to be severable.

Recodified 02-28-02

Amended 10-13-05

Amended 03-11-10

Amended 03-24-11

Amended 07-13-17