

ORDINANCE NO. 12-46

An Ordinance Approving Text Amendments to Sections 157.003(B) and 157.053(D) of the East Dundee Zoning Chapter to Add the Definition of Pet Crematorium and to Add a Pet Crematorium as a Special Use in the B-3 General Service Business District

WHEREAS, the Village of East Dundee has initiated proposed text amendments to Sections 157.003(B) and 157.053(D), respectively, of the East Dundee Zoning Chapter to add a definition of "Pet Crematorium" and to add a pet crematorium as a special use in the B-3, General Service Business District; and

WHEREAS, the Village Planning and Zoning & Historic Commission held a public hearing on the proposed text amendments to Sections 157.003(B) and 157.053(D), respectively, after due notice as required by law; and

WHEREAS, the Planning and Zoning & Historic Commission has recommended that the proposed text amendments be approved and implemented; and

WHEREAS, the Board of Trustees has considered the evidence, including but not limited to that presented at the public hearing before the Planning and Zoning & Historic Commission and believe that the text amendments will be in the best interests of the Village; and

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare.

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

SECTION 1: The above recitals are incorporated into this Ordinance as if fully set forth herein and the Village's adoption of this Ordinance is pursuant to its home rule authority.

SECTION 2: Section 157.003(B) of the East Dundee Zoning Chapter shall be amended to add the following definition of "Pet Crematorium" and text as follows:

Pet Crematorium. A "provider of companion animal cremation services" operating in full compliance with the Illinois Companion Animal Cremation Act (815 ILCS 318/1 *et seq.*) provided, however, that such services shall be limited to only the provision of "individually portioned cremation" of up to two "companion animals" at any one time using equipment specifically designed and constructed for such purposes. Further, the "cremation remains" shall be returned to the

owner of the animal or otherwise legally disposed of off-site. Terms used within this definition of Pet Crematorium that are contained within quotation marks (“_”) shall have the same meanings ascribed to them in the Illinois Companion Animal Cremation Act as such act may be amended from time to time provided that if such Act or terms are repealed in their entirety, the meanings of such terms shall be those last in effect.

SECTION 3: Section 157.053(D) of the East Dundee Zoning Chapter shall be amended to add the following special use in the B-3, General Service Business District:

Pet crematorium operated as an accessory use to a permitted principal use providing services to household pets such as a kennel, veterinary clinic, animal hospital, or pet groomer.

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: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

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

Ayes: 7- Justices Ruffulo, Gorman, Lynam, Meller, VanOstenbrodige, Skellicom & Pres. Bartels

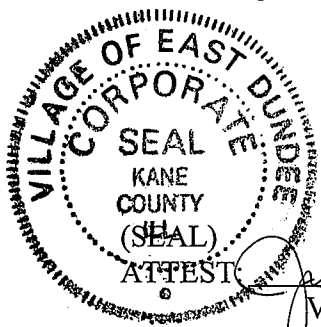
Nays: 0

Absent: 0

Abstain: 0

APPROVED:

Jerald Bartels
Village President Jerald Bartels



Jennifer Rehberg
Village Clerk Jennifer Rehberg

Passed: 6/30/12

Approved: 6/30/12

Published: 7/7/12

Prepared by/Mail to:
Michael J. Smoron
Zukowski Rogers Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014
815.459.2050
Z:\E\East Dundee\Pampered Pets\Ordinance.Text Amendment.doc

CERTIFICATION

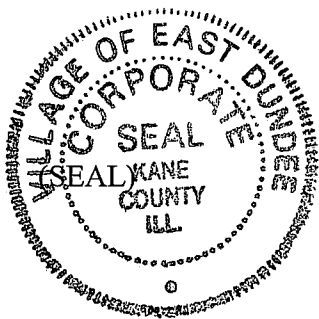
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

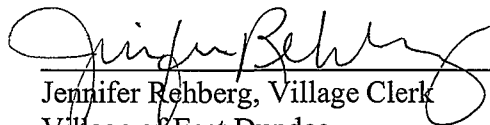
I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 30th day of June, 2012, the foregoing Ordinance entitled *An Ordinance Approving Text Amendments to Sections 157.003(B) and 157.053(D) of the East Dundee Zoning Chapter to Add the Definition of Pet Crematorium and to Add a Pet Crematorium as a Special Use in the B-3 General Service Business District*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-46, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, IL, commencing on the _____ day of _____, 2012, and continuing for at least 10 days thereafter. Copies of such Ordinance were 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.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 7th day of July, 2012.




Jennifer Rehberg, Village Clerk
Village of East Dundee,
Kane County, Illinois